ESTTA Tracking number:

ESTTA1079400

Filing date:

09/02/2020

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

#### **Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

#### **Opposer Information**

Name	MARC JACOBS INTERNATIONAL, L.L.C.
Granted to Date of previous extension	09/02/2020
Address	72 SPRING STREET NEW YORK, NY 10012 UNITED STATES

Attorney information	MICHAEL J. ZINNA KELLEY DRYE & WARREN LLP 101 PARK AVENUE NEW YORK, NY 10178 UNITED STATES Primary Email: trademarks@kelleydrye.com 2128087800
Docket Number	

# **Applicant Information**

Application No.	88279690	Publication date	05/05/2020
Opposition Filing Date	09/02/2020	Opposition Peri- od Ends	09/02/2020
Applicant	Nirvana, LLC C/O JILL BERLINER, RIMON P.C. 2029 CENTURY PARK EAST, SUITE 400N LOS ANGELES, CA 90076 UNITED STATES		

### Goods/Services Affected by Opposition

Class 025. First Use: 1991/11/01 First Use In Commerce: 1991/11/01
All goods and services in the class are opposed, namely: Shirts, T-shirts, Tank tops, Jumpsuits, Sweat-shirts, Pants, Lounge pants, Socks, Shorts, Sweat shorts, Hoodies, Jackets, Beanies, Hats, Baseball caps, Bucket hats, Bow ties; Belts, Belts made of leather, Scarves, Slippers

#### Grounds for Opposition

The mark is generic	Trademark Act Sections 1, 2 and 45
No use of mark in commerce before application or amendment to allege use was filed	Trademark Act Sections 1(a) and (c)
No bona fide intent to use mark in commerce for identified goods or services	Trademark Act Section 1(b)

Failure to function as a mark	Trademark Act Sections 1, 2 and 45	
The mark is not inherently distinctive and has not acquired distinctiveness	Trademark Act Sections 1, 2 and 45; and Section 2(f)	
Fraud on the USPTO	In re Bose Corp., 580 F.3d 1240, 91 USPQ2d 1938 (Fed. Cir. 2009)	

Related Proceed- ings	Nirvana LLC v. Marc Jacobs International, LLC et al., Case No. 2:18-cv-10743, U.S.D.C. C.D. Cal.
Attachments	FINAL - Notice of Opposition Nirvana LLC US App No 88279690.pdf(5224202 bytes )
Signature	/Michael J. Zinna/
Name	MICHAEL J. ZINNA
Date	09/02/2020

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

# IN THE MATTER OF TRADEMARK APPLICATION SERIAL NO. 88/279,690 PUBLISHED IN THE OFFICIAL GAZETTE ON MAY 5, 2020



MARK:

MARC JACOBS INTERNATIONAL, LLC,

Opposer,

**OPPOSITION NO.:** 

v.

NIRVANA, LLC,

Applicant.

#### **NOTICE OF OPPOSITION**

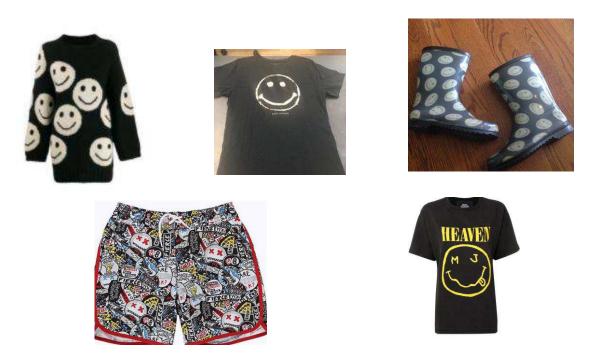
Marc Jacobs International, LLC ("Opposer") is a limited liability company organized under the laws of Delaware with a principal place of business at 72 Spring Street, New York, New York 10012. Opposer believes it will be damaged by the registration of the mark

(the "Disputed Mark") by Applicant Nirvana, LLC ("Applicant") for use in connection with "Shirts, T-shirts, Tank tops, Jumpsuits, Sweat-shirts, Pants, Lounge pants, Socks, Shorts, Sweat shorts, Hoodies, Jackets, Beanies, Hats, Baseball caps, Bucket hats, Bow ties; Belts, Belts made of leather, Scarves, Slippers" in International Class 25 (collectively, "Applicant's Goods") covered by the above-identified application serial no. 88/279,690 (the

"Application") and, having been granted an extension of time to oppose the Application up to and including September 2, 2020, hereby opposes the same.

The grounds for opposition are as follows:

- 1. Opposer is a global fashion company that creates, promotes, and sells clothing, shoes, handbags, accessories, fragrance, and a wide array or related goods and services (collectively, "Opposer's Goods and Services").
- 2. Opposer is engaged in the manufacture, distribution, offering for sale, and/or sale of Opposer's Goods and Services, and in the marketing, advertising, and promotion thereof, throughout the world, including in the United States.
- 3. Opposer has utilized smiley face designs ornamentally in connection with goods identical and/or related to Applicant's Goods covered by the Application, and has an interest in continuing to do so in the future. Representative samples of such goods are pictured below:



4. In or about December 2018, Applicant directed a cease and desist letter to Opposer asserting its purported ownership of the Disputed Mark and alleged a likelihood of

confusion between goods offered by Opposer and goods Applicant purportedly offered in connection with the Disputed Mark.

- 5. On or about December 28, 2018, Applicant filed a complaint against Opposer in the U.S. District Court for the Central District of California alleging that Opposer's ornamentation of goods with a mere refinement or variation of the ubiquitous and universally recognized smiley face symbol infringed Applicant's rights in the Disputed Mark. That case is styled *Nirvana LLC v. Marc Jacobs International, LLC et al.*, Case No. 2:18-cv-10743 and remains pending as of the date of this filing (the "Civil Action").
- 6. In the pending Civil Action, Applicant relies on its purported ownership of the Disputed Mark to allege trademark infringement and related claims against Opposer, and has alleged a likelihood of confusion between goods offered by Opposer and goods Applicant purportedly offers in connection with the Disputed Mark.
- 7. Opposer believes that it will be damaged by the registration of the Application and hereby opposes same based on the grounds that the Disputed Mark: (i) fails to function as a mark (Sec. 1, 2, and 45), (ii) lacks inherent or acquired distinctiveness (Secs. 1, 2, and 45; Sec. 2(f)), (iii) is a generic, universal symbol (Secs. 1, 2, and 45), (iv) is merely ornamental and has not been used by Applicant as a trademark (Sec. 1, 2, and 45); and further because Applicant: (v) lacked a *bona fide* intent to use the Disputed Mark in interstate commerce in connection with the identified goods as of the filing date of the Application (Sec. 1(b)), (vi) was not using the Disputed Mark as a trademark in interstate commerce for several of the goods in the Amendment to Allege Use at the time its Amendment to Allege Use was filed (Sec. 1(a) and (c)), and (vii) committed fraud during the prosecution of the Application by, *inter alia*, providing knowingly false statements to the United States Patent and Trademark Office ("USPTO") in connection

with the prosecution of the Application, including in its Amendment to Allege Use and substitute specimen filing.

- 8. The smiley face is one of the most ubiquitous and universally recognized symbols in the world.
- 9. TMEP § 1202.03(a) states "Common expressions and symbols (e.g., the peace symbol, 'smiley face', or the phrase 'Have a Nice Day') are normally not perceived as marks" and cannot be registered on either the Principal Register or the Supplemental Register.
- 10. Applicant, by way of the Application for the Disputed Mark, impermissibly seeks to register a non-distinctive, commonly-adopted and well-known "smiley face design" for ornamenting goods in International Class 25.
- 11. The Disputed Mark fails to function as a trademark because it comprises a universal symbol conveying an informational message. The significance of the Disputed Mark is the underlying informational message it conveys, rather than identifying the Applicant as the source of Applicant's Goods.
- 12. The Disputed Mark comprises a "smiley face design" and is described as such by the Applicant itself.
- 13. Specifically, the Application describes the Disputed Mark as a "smiley face design" "with two x's representing the eyes, a wiggly line curved upward representing the mouth, and a small open circle with a dash representing the tongue sticking out of the mouth."
- 14. Neither the accurate depiction of the universal smiley face symbol, nor minor alterations to the symbol, such as slight stylizations or non-distinctive changes to elements or proportions thereof, are registrable.

- 15. Applicant's chosen depiction of a common "smiley face design" in the Disputed Mark merely recounts the elements of a ubiquitous smiley face symbol (i.e., two eyes, a mouth, and a tongue) in their generic positions within a non-distinctive circular border.
- 16. The smiley face symbol, and mere refinements or variations thereof, are commonly used in an informational manner to convey a widely recognized and readily understood meaning.
- 17. Indeed, an entire emoticon "language" comprised of the smiley face symbol and mere refinements and minor variations thereof dominates the lexicon of digital communications.
- 18. The majority of mobile phone users have at their disposal a plethora of smiley face designs available to succinctly convey information or express emotion, including designs consisting of two markings representing eyes, and a line oriented horizontally representing a mouth, within a non-distinctive geometric circle. Likewise at mobile phone users' disposal are stock smiley face designs with two x's representing the eyes, and with a tongue sticking out of the mouth.
- 19. Notwithstanding any non-distinctive alterations of the universal smiley face symbol, the primary significance of the Disputed Mark remains the original common expression of a smiley face design used to convey an informational message. Therefore, the Disputed Mark is incapable of any source identifying function.
- 20. For years, and well prior to the filing date of the Application for the Disputed Mark and any other date on which Applicant may rely upon for purposes of priority, the smiley face symbol, and refinements or variations of this commonly-adopted and well-known form of ornamentation for goods and services, have been in overwhelmingly common and pervasive use

in the United States in connection with goods and services identical or related to Applicant's Goods covered by the Application.

- 21. Opposer and other third parties have manufactured, advertised, promoted, distributed, offered for sale, and/or sold in interstate commerce various goods and services, including goods and services identical or related to Applicant's Goods covered by the Application, in connection with the universally recognized smiley face design or mere refinements or variations thereof.
- 22. Ornamenting clothing and apparel items with mere refinements or variations of a smiley face symbol is far from unique or unusual.
- 23. Smiley face designs are used by Opposer, Applicant, and third parties in an ornamental and decorative manner on numerous products, including in connection with goods and services identical or related to Applicant's Goods covered by the Application.
- 24. Attached hereto as <u>Exhibit A</u> are true and correct copies of images of numerous clothing and apparel items ornamented with mere refinements or variations of a smiley face design offered for sale by third parties in the United States.
- 25. The Disputed Mark carries no distinctive message of origin to consumers and is incapable of carrying such a message given the smiley face's widespread use as decoration for any number of products, including clothing, offered by numerous different entities.
- 26. In light of this extensive third party use and common industry practice, the consuming public is accustomed to encountering smiley face designs on clothing and other goods and services identical or related to Applicant's Goods covered by the Application, and would not regard the Disputed Mark as an indicia of origin for goods originating exclusively with the Applicant.

- 27. The overwhelmingly common and pervasive use of the ubiquitous smiley face symbol by third parties in connection with goods and services identical or related to those of Applicant renders it such that the Disputed Mark is incapable of identifying Applicant's Goods and distinguishing them from those of others in the marketplace.
- 28. As with smiley face designs used by numerous third parties, the Disputed Mark is merely ornamental as applied to Applicant's Goods covered by the Application, and has not become distinctive as an indication of the source of Applicant's Goods.
- 29. The widespread use of the smiley face design by numerous third parties renders it such that the viewing public does not and would not view the Disputed Mark as a source identifier for Applicant.
- 30. As the foregoing demonstrates, the Disputed Mark is a pervasive, universally-recognized symbol that is not perceived as a source indicator for Applicant, and accordingly fails to function as a trademark.
- 31. The Disputed Mark is not inherently distinctive, and has not acquired distinctiveness.
- 32. The use of the Disputed Mark, if any, is merely ornamental and without trademark significance. The Disputed Mark does not create the commercial impression of a source identifier even when ornamenting a hangtag or label in light of the ubiquity and informational nature of the Disputed Mark.
- 33. Allowing registration of the Disputed Mark would cause Opposer and others engaged in the sale of goods identical or related to those goods identified in the Application damage on a continuing basis by, *inter alia*, inhibiting use of a non-distinctive, merely

ornamental and generic smiley face symbol or designs similar thereto in connection with such goods.

- 34. Upon information and belief, Applicant did not have a *bona fide* intent to use the Disputed Mark in connection with the goods identified in the Application as of the filing date of the Application.
- 35. On January 28, 2019, Applicant filed Application Serial No. 88/279,690 pursuant to Section 1(b) of the Lanham Act, 15 U.S.C. § 1051(b) based on Applicant's alleged intent to use the Disputed Mark for the following goods in International Class 25: "Shoes, namely, boots, boots uppers, half-boots, boots for sports, lace boots, ankle boots, ski boots, football boots, felted boots, football shoes, slippers, bath slippers, beach shoes, sandals, bath sandals, esparto shoes or sandals, footwear, footwear uppers, foot muffs, gymnastic shoes, heels, non-slipping devices for footwear; Clothing, namely, shirts, short-sleeve shirts, t-shirts, tanks, camisoles, sports singlets, vests, coats, collars, detachable collars, belts; dresses, dress shields, fishing vests, fur coats, fur jackets, jumpsuits, hoodies, hoods, jackets, jerseys, sports jerseys, jumper dresses, kimonos, layettes, leotards, outer jackets, winter jackets, outdoor clothing, overcoats, topcoats, petticoats, waistcoats, parkas, cloak, cape, ponchos, suits, sweaters, pullovers, uniforms, overalls, smocks; Pants, namely, shorts, trunks, beach trunks, breeches, hosiery, leggings, tights, panties, pants, trousers, stockings, gaiters, lounge pants; Headgear, namely, hats, bucket hats, caps, baseball caps, bandanas, headbands, shower caps, top hats, cap peaks, turbans, visors, berets; beanies, skull caps; Dresses, dressing gowns, uniforms, karate uniforms, kimonos, aprons, gabardines, capes, hairdressing capes; Baby clothing, namely, bibs, baby jumpsuits; Scarves, fur scarves, fur stoles, veils, neckties, bowties, boas, mufflers, ponchos, pocket squares, shawls; Underwear, namely, boxer shorts; bras, brassieres, teddies, knickers, panties, bodices; pajamas, bodysuits,

leotards, underpants, underclothing; Gloves, fingerless gloves, mittens, ski gloves, cuffs, wristbands, socks, sock suspenders, garters, stockings, stocking suspenders, sock suspenders, suspenders, girdles, trouser straps, gaiter straps; Swimsuits, bathing suits, beach clothes, bath robes, bathing caps, overalls, smocks, shower caps, sleep masks, Skirts, skorts, sashes, wet suits for water sports; Clothing, namely, clothing of leather, clothing made of man-made leather, clothing made of imitations of leather, waterproof clothing, cyclists' clothing, embroidered clothing, motorists' clothing, money belts, muffs, ear muffs, footmuffs, ready-made clothing, ready-made linings, clothing for gymnastics, hoods, knitwear, layettes, leg warmers, uniforms, paper clothing, paper hat, pockets, togas; Heels, soles, inner soles, non-slipping devices for footwear, welts for footwear, studs for football boots; Cuffs, wristbands, sleep masks".

36. Upon information and belief based upon documents produced by the Applicant in the Civil Action, and given the sheer scope of the goods identified and the number of disparate goods set forth in the identification, as of the January 28, 2019 filing date of the Application, Applicant lacked a *bona fide* intention to use the Disputed Mark in connection with each of the goods included in the Application, including, *inter alia*, jumpsuits, boots uppers, half-boots, ski boots, football boots, football shoes, esparto shoes or sandals, footwear uppers, foot muffs, gymnastic shoes, heels, non-slipping devices for footwear; camisoles, sports singlets, detachable collars, dress shields, fishing vests, fur coats, fur jackets, kimonos, layettes, leotards, petticoats, waistcoats, cloak, breeches, hosiery, top hats, cap peaks, turbans, berets, karate uniforms, kimonos, aprons, gabardines, capes, hairdressing capes, fur scarves, fur stoles, veils, boas, mufflers, bras, brassieres, teddies, slippers, knickers, panties, bodices, leotards, ski gloves, sock suspenders, garters, stockings, stocking suspenders, sock suspenders, suspenders, girdles, trouser straps, gaiter straps, swimsuits, wet suits for water sports, clothing of leather, clothing made of

man-made leather, clothing made of imitations of leather, waterproof clothing, cyclists' clothing, motorists' clothing, money belts, muffs, ear muffs, footmuffs, ready-made clothing, ready-made linings, clothing for gymnastics, layettes, leg warmers, uniforms, paper clothing, paper hat, pockets, togas, soles, inner soles, welts for footwear, and studs for football boots.

- 37. On July 2, 2019, Applicant filed an Amendment to Allege Use pursuant to 15 U.S.C. § 1051(c), together with a purported specimen consisting of a document entitled "Nirvana Smile Designs Ordered / Shipped."
- 38. The Amendment to Allege Use contained a sworn declaration attesting that the Disputed Mark was in use in interstate commerce on or in connection with the following goods: "Shoes, namely, boots, boots uppers, half-boots, boots for sports, lace boots, ankle boots, ski boots, football boots, felted boots, football shoes, slippers, bath slippers, beach shoes, sandals, bath sandals, esparto shoes or sandals, footwear, footwear uppers, foot muffs, gymnastic shoes, heels, non-slipping devices for footwear; Clothing, namely, shirts, short-sleeve shirts, t-shirts, tanks, camisoles, sports singlets, vests, coats, collars, detachable collars, belts; dresses, dress shields, fishing vests, fur coats, fur jackets, jumpsuits, hoodies, hoods, jackets, jerseys, sports jerseys, jumper dresses, kimonos, layettes, leotards, outer jackets, winter jackets, outdoor clothing, overcoats, topcoats, petticoats, waistcoats, parkas, cloak, cape, ponchos, suits, sweaters, pullovers, uniforms, overalls, smocks; Pants, namely, shorts, trunks, beach trunks, breeches, hosiery, leggings, tights, panties, pants, trousers, stockings, gaiters, lounge pants; Headgear, namely, hats, bucket hats, caps, baseball caps, bandanas, headbands, shower caps, top hats, cap peaks, turbans, visors, berets; beanies, skull caps; Dresses, dressing gowns, uniforms, karate uniforms, kimonos, aprons, gabardines, capes, hairdressing capes; Baby clothing, namely, bibs, baby jumpsuits; Scarves, fur scarves, fur stoles, veils, neckties, bowties, boas, mufflers, ponchos,

pocket squares, shawls; Underwear, namely, boxer shorts; bras, brassieres, teddies, knickers, panties, bodices; pajamas, bodysuits, leotards, underpants, underclothing; Gloves, fingerless gloves, mittens, ski gloves, cuffs, wristbands, socks, sock suspenders, garters, stockings, stocking suspenders, sock suspenders, suspenders, girdles, trouser straps, gaiter straps; Swimsuits, bathing suits, beach clothes, bath robes, bathing caps, overalls, smocks, shower caps, sleep masks, Skirts, skorts, sashes, wet suits for water sports; Clothing, namely, clothing of leather, clothing made of man-made leather, clothing made of imitations of leather, waterproof clothing, cyclists' clothing, embroidered clothing, motorists' clothing, money belts, muffs, ear muffs, footmuffs, ready-made clothing, ready-made linings, clothing for gymnastics, hoods, knitwear, layettes, leg warmers, uniforms, paper clothing, paper hat, pockets, togas; Heels, soles, inner soles, non-slipping devices for footwear, welts for footwear, studs for football boots; Cuffs, wristbands, sleep masks".

- 39. Specifically, Applicant's Amendment to Allege Use declared that the Disputed Mark "was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 11/01/1991, and first used in commerce at least as early as 11/01/1991, and is now in use in such commerce" in connection with <u>each</u> of the goods listed in Applicant's Amendment to Allege Use.
  - 40. Upon information and belief, Applicant was not organized until at least 1997.
- 41. Upon information and belief, based upon documents produced by Applicant in the Civil Action, sworn testimony of Applicant in the Civil Action, and given the sheer scope of the goods identified and the number of disparate goods set forth in the identification, the Disputed Mark was not in use in interstate commerce on or in connection with each of the goods listed in

Applicant's Amendment to Allege Use on July 2, 2019 when the Amendment to Allege Use was filed.

- 42. Upon information and belief, Applicant knew that the Disputed Mark was not in use in interstate commerce in connection with each of the goods identified in the Amendment to Allege Use on July 2, 2019 when the Amendment to Allege Use was filed.
- 43. On August 18, 2020, during a deposition pursuant to Fed. R. Civ. P. 30(b)(6) in the Civil Action, Applicant provided sworn testimony that the Disputed Mark was not in use by its purported predecessor in connection with "Shirts, T-shirts, Tank tops, Jumpsuits, Sweatshirts, Pants, Lounge pants, Socks, Shorts, Sweat shorts, Hoodies, Jackets, Beanies, Hats, Baseball caps, Bucket hats, Bow ties; Belts, Belts made of leather, Scarves, Slippers" in 1991. A true and correct copy of the relevant excerpt from Applicant's deposition pursuant to Fed. R. Civ. P. 30(b)(6) is attached hereto as Exhibit B.
- 44. Upon information and belief and based upon Applicant's sworn testimony in the Civil Action and documents produced by Applicant in the Civil Action, the Disputed Mark was not in use in interstate commerce on or in connection with each of the goods listed in Applicant's Amendment to Allege Use in 1991, including the alleged date of first use of November 1, 1991.
- 45. Upon information and belief and based upon Applicant's sworn testimony in the Civil Action, at the time the Amendment to Allege Use was filed, Applicant knew that the Disputed Mark was not used in interstate commerce in connection with each of the goods identified in the Amendment to Allege Use since the November 1, 1991 first use date alleged in the Amendment to Allege Use.
- 46. On August 1, 2019, the identification of goods in the Application was amended via examiner's amendment to read as follows: "Shirts, T-shirts, Tank tops, Jumpsuits, Sweat-

shirts, Pants, Lounge pants, Socks, Shorts, Sweat shorts, Hoodies, Jackets, Beanies, Hats, Baseball caps, Bucket hats, Bow ties; Belts, Belts made of leather, Scarves, Slippers, in class 25."

- 47. Upon information and belief and based upon Applicant's sworn testimony in the Civil Action and documents produced by Applicant in the Civil Action, in 1991, the Disputed Mark was not in use in interstate commerce on or in connection with each of Applicant's Goods covered by the Application, including on the alleged date of first use of November 1, 1991.
- 48. Upon information and belief and based upon Applicant's sworn testimony in the Civil Action and documents produced by Applicant in the Civil Action, the Disputed Mark is not presently used in interstate commerce in connection with each of Applicant's Goods covered by the Application.
- 49. On March 27, 2020, following the examining attorney's issuance of refusals to register the Disputed Mark because it is merely ornamental, Applicant filed a substitute specimen described as a "T-shirt with collar tag bearing the mark and hang tag bearing the mark."
- 50. Applicant's owner and principal, Krist Novoselic, executed a sworn declaration attesting that, *inter alia*, the substitute specimen was in use in interstate commerce prior to the filing of the Amendment to Allege Use on July 2, 2019 or expiration of the filing deadline for filing a Statement of Use.
- 51. Upon information and belief and based upon documents produced by Applicant in the Civil Action, the collar tag and hang tag bearing the Disputed Mark submitted to the USPTO as a substitute specimen on March 27, 2020 were not used in interstate commerce in connection with all of Applicant's Goods covered by the Application prior to the July 2, 2019 filing date of the Amendment to Allege Use.

- 52. Upon information and belief based upon documents produced by Applicant in the Civil Action, the substitute specimen submitted to the USPTO on March 27, 2020 is not presently used in interstate commerce in connection with all of Applicant's Goods covered by the Application.
- 53. Upon information and belief, Applicant made the foregoing false statements as to the use of the Disputed Mark in interstate commerce and the first use date of the Disputed Mark knowingly and with the intent of deceiving the USPTO, and for the purpose of inducing the USPTO to issue a registration to which Applicant is not entitled.
- 54. Upon information and belief, Applicant made false statements as to the use of the specimen knowingly and with the intent of deceiving the USPTO, and for the purpose of inducing the USPTO to issue a registration to which Applicant is not entitled.
- 55. Upon information and belief, the foregoing false statements were material to the USPTO's decision to withdraw the ornamental refusal and approve the Disputed Mark for publication.
- 56. Upon information and belief, the USPTO was deceived by Applicant's false statements and misrepresentations of material fact. Had the USPTO known the true facts, it would not have passed the Disputed Mark to publication.
- 57. For the foregoing reasons, Opposer respectfully requests that the Application to register the Disputed Mark be refused.

WHEREFORE, Opposer believes that it will be damaged by registration of the Application and respectfully requests that this Opposition be sustained and that the Application



for the registration of the mark

be refused.

Dated: September 2, 2020 New York, New York KELLEY DRYE & WARREN LLP Attorneys for Opposer

By: /s/ Michael J. Zinna

Michael J. Zinna Kerianne Losier Stephanie A. Grob 101 Park Avenue New York, NY 10178 (212) 808-7800

# **EXHIBIT A**

#### **HOME**



#### BLINK-182 SELF-TITLED T-SHIRT

<del>\$22.50</del> **\$18.00** 

4 interest-free payments available on orders over \$35 Learn more

★★★★★ <u>67 Reviews</u>

10120316

20% Off

**SIZE:** 3X | <u>SIZE FIT & GUIDE</u>



2X 3 X

QTY:



Ship It In Stock

Free Pickup In-Store **Unavailable For In-Store Pick Up At COMING SOON American Dream** 

**Change Store** 



ADD TO BAG

Add To

XL

<u>Wishlist</u>

#### Details

White Blink-182 T-shirt with cover art from their eponymously titled fifth studio album.





- importeum

#### Shipping & Returns

#### **SHARE THIS ITEM**

#### **PEOPLE ALSO PURCHASED**



BLINK-182 ALIENS EXIST T-SHIRT

\$22.90 \$18.32

20% Off



BLINK-182 ENEMA OF THE STATE T-SHIRT

\$22.90 \$18.32

20% Off



BLINK-182 NINE LOG

\$22.90 \$18.32

20% Off

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ICE CUBE TODAY WAS A GOOD DAY T-SHIRT \$22.90 - \$26.90



MY HERO ACADEMIA X HELLO KITTY AND FRIENDS GIRLS HERO DUOS T-SHIRT



NIRVANA SMILE 7

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BLINK-182 SELF-TITLED T-SHIRT

<del>\$20.50 - \$22.50</del> \$16.40 - \$18.00



67 Reviews

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★★★★ Nina25 · 5 days ago **COOL DESIGN** 

Very nice!

**♦ Yes**, I RECOMMEND THIS PRODUCT.

Helpful? Yes · 0 Report No · 0

FIT Runs Small Runs Lar



★★★★★ Alex 2003 · 9 days ago **BLINK-182 ALL THE WAY** 

This is an awesome shirt. It's bright and colorful. Perfect for any Blink fan.

**Yes**, I RECOMMEND THIS PRODUCT.

FIT Runs Small Runs Large



★★★★ Joshthebear93 · 18 days ago

**COLORFUL** 

Vibrant colors but got wrinkled pretty badly on 3rd wash. Still a solid shirt and true to size. Colors really pop on this.

FIT Runs Small Runs Large

**Yes**, I RECOMMEND THIS PRODUCT.

Helpful? Yes · 0 No · 0 Report



★★★★★ Anonymous · a month ago AMAZING SHIRT. AMAZING QUALITY.

A really cool shirt from on of my fave Blink albums. Nice material and doesn't seem to fade easily in the wash at all. 5 Stars.

FIT Runs Small Runs Large

**Yes**, I RECOMMEND THIS PRODUCT.

Helpful? Yes · 0  $No \cdot 0$ Report



★★★★★ Chippy17 · a month ago

NICE SHIRT!

Nice shirt!

FIT Runs Small Runs Large

Helpful? Yes · 0  $No \cdot 0$ Report

1-5 of 67 Reviews





beetlejuice strange and unusual t shirt fortnite fresh emote t shirt fortnite ragnarok t shirt grey white striped pocket t shirt slipknot unsainted t shirt stranger things starcourt mall t shirt



Disne 101 Dalmatians Poster T-Shirt Cruella De Vil, If she doesn't scare you, ... Quickview



Disne Pi ar WALL Paint Art T-Shi Meet up with your best rocking ... Quickview

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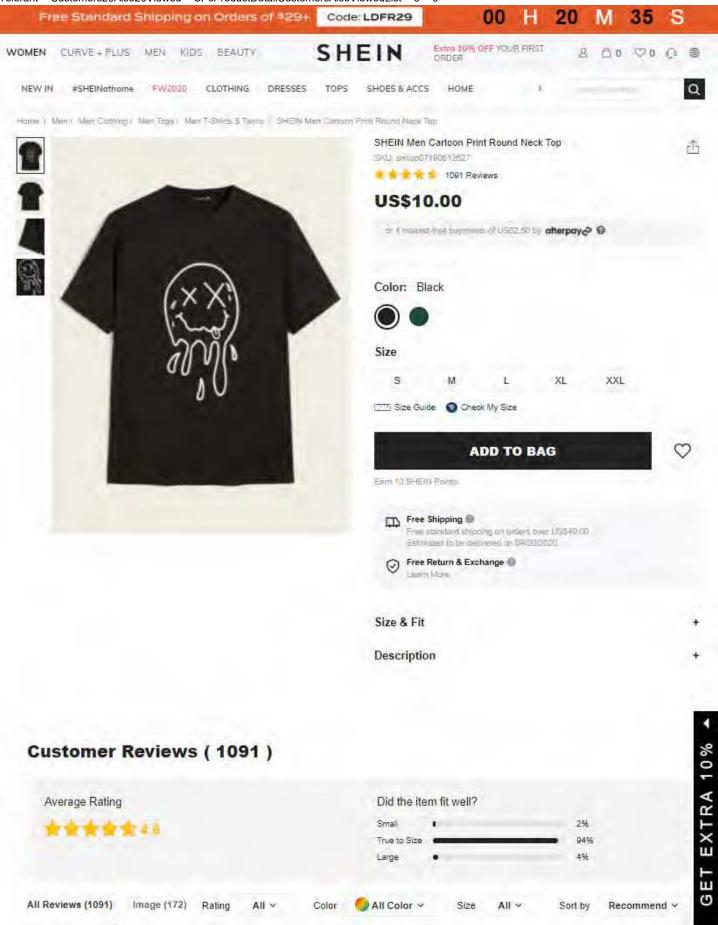
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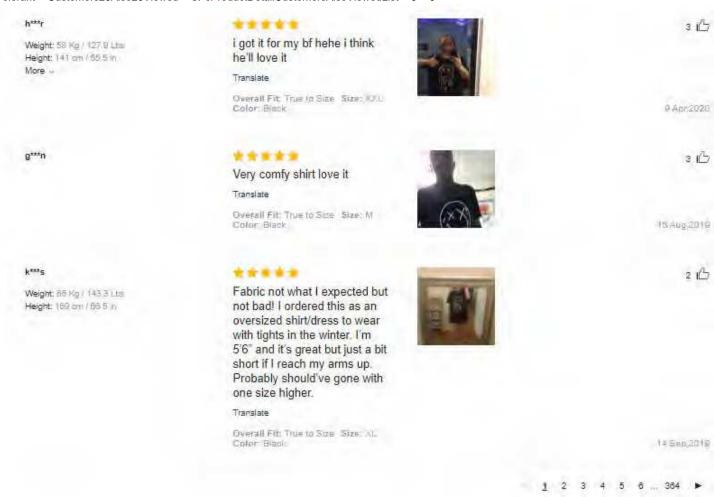
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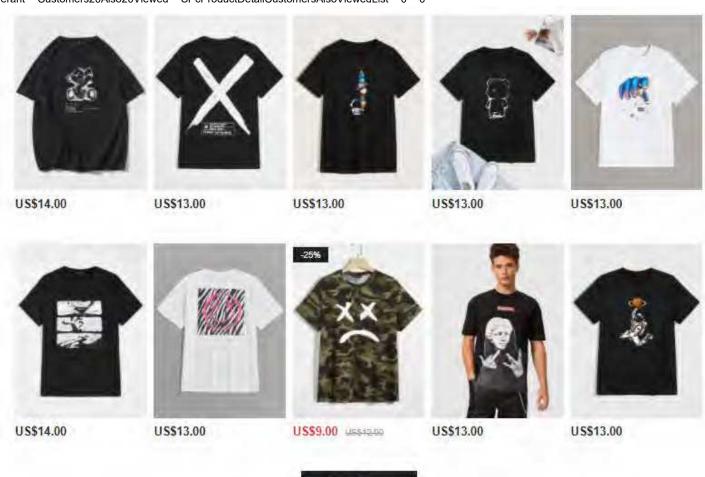


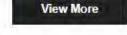








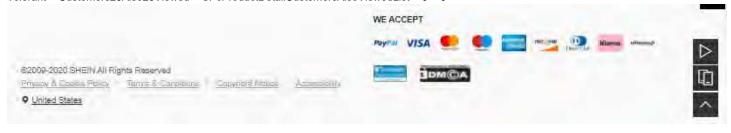








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## **MODESTEP**

X Eyes Beanie

\$18.99

PRODUCT ID: 255624-1

Make 4 easy payments on orders over \$45 with **Klarna.** No extra fees.

Special Order: Estimated 8-21 day shipping delay depending on the impact of COVID-19 on each supplier

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Black Beanie With Cuff/X Eyes Face

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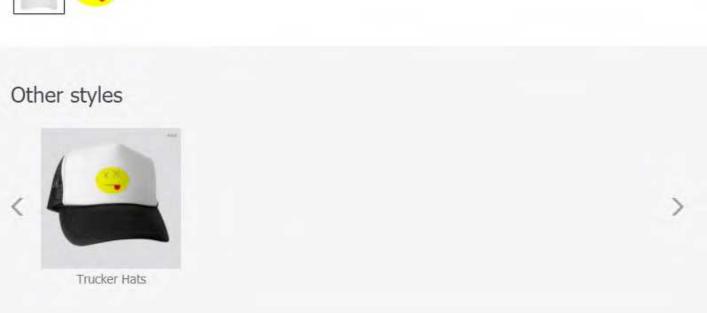












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## About product

#### Baseball Hats

Product ID: 214035594

Our Baseball Cap is perfect for your unique, casual style. Sporting your novelty or custom design, this will become your new favorite hat.

- · Unstructured 100% cotton
- Hook/loop tape closure adjusts from 20" to 24" and a crown measuring 3.25"
- · Includes low sitting brim and an inside sweatband
- · Features a sharp and vivid printed design
- · Hand wash
- Imported

Dead face Cap

Designed by Dead face

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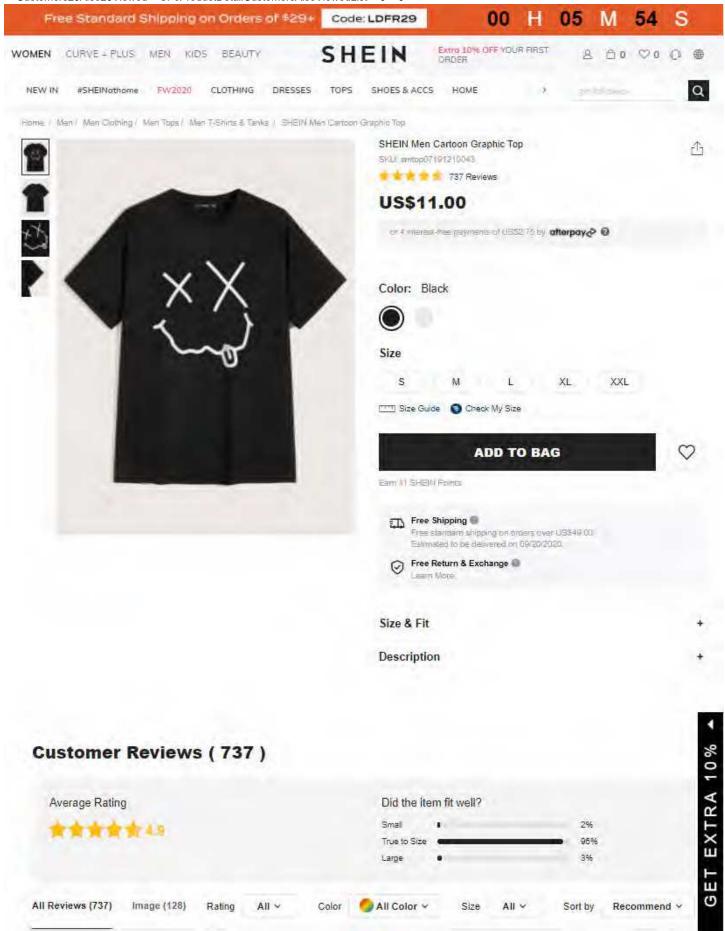


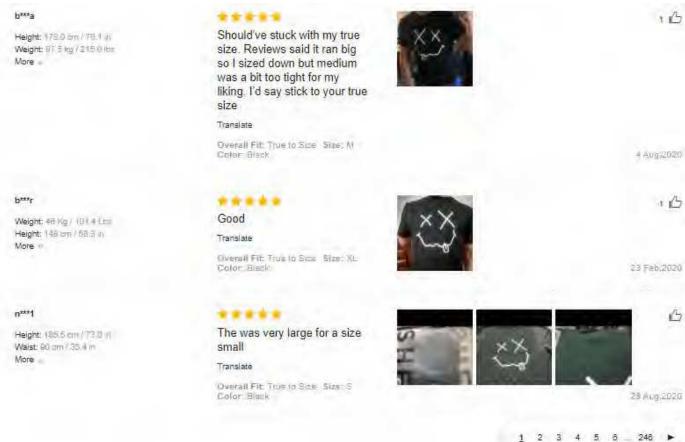




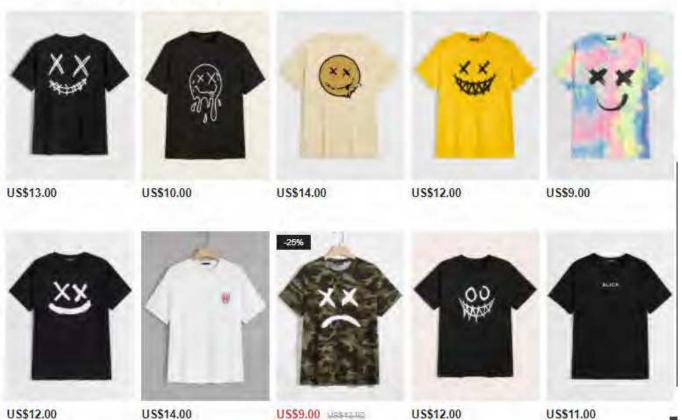


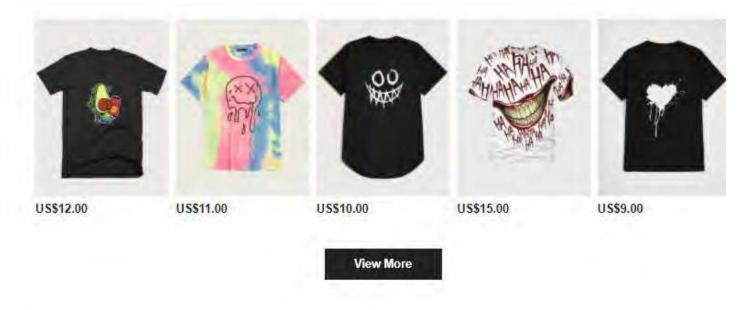
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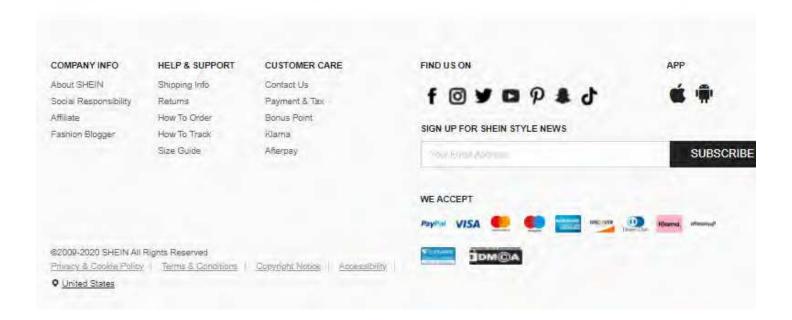
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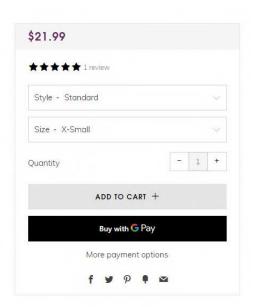
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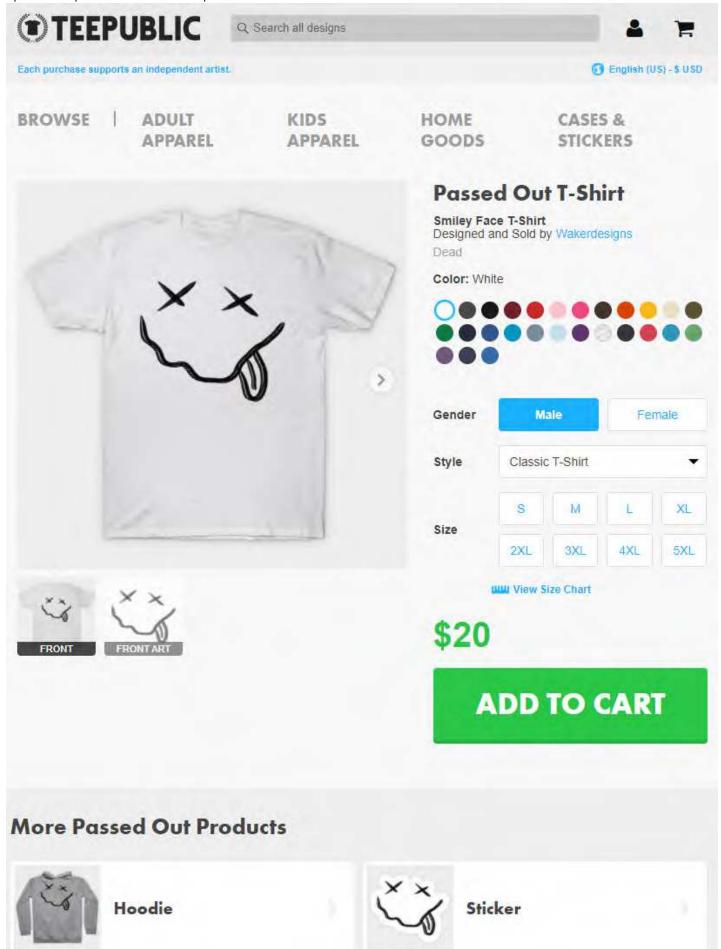


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# Smiley-face Stickers Just for You



Big Smile -RED Happy Face



Happy Cloud Sticker



Big Smile-Red Sticker



Smiley Faces Sticker

# **Smiley Face T-Shirt**

### Where Can I Find Other Smiley Face Designs?

In addition to smiley face designs, you can explore the marketplace for smile, happy, and happy face designs sold by independent artists.

#### What Material Is This Item Made Of?

100% combed ringspun cotton. The perfect fabric for a graphic tee and the softest in the business. (Due to product availability, cotton type may vary for 2XL and 3XL sizes) Learn More »

#### What USA Ship Methods Are Available?

Standard (10-15 Business Days) UPS Air (7-11 Business Days)

Estimates include printing and processing time. More Shipping Info »

### What Is The Return/Exchange Policy?

We want you to love your order! If for any reason you don't, let us know and we'll make things right. Learn More »

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#### Designer's Applied Tags

drinking, drunk, klds, cartoon, face, smile, sketch, passed out, dead, blackandwhite, rave, drawing, handdrawing, smiley face

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HOME APPAREL

# **Drop Dead Fred Smiley Face** Shirt

\$21.99

**BUY PRODUCT** 

Category: Apparel



















DESCRIPTION REVIEWS (0)

Drop Dead Fred Smiley Face T-shirt, Hoodie, Longsleeve, Sweatshirt, Tank Top, V-neck, Baby Onesie, Youth Tee.



Drop Dead Fred Smiley Face T-Shirt



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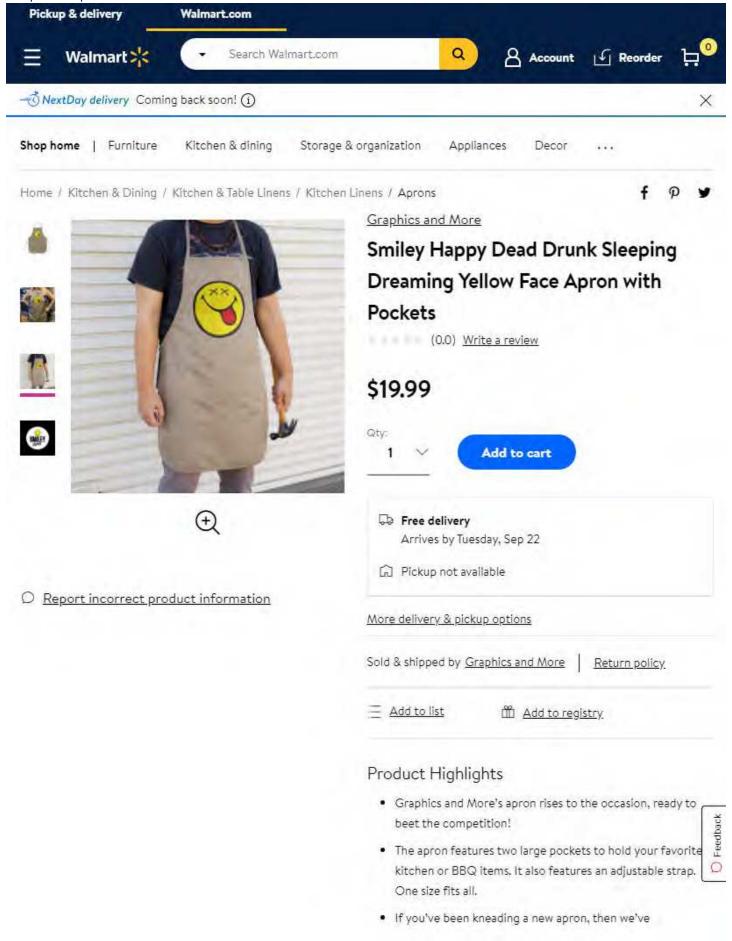
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#### Features

### About The Product:

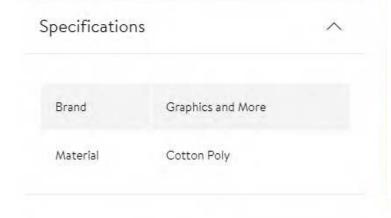
If you've been kneading a new apron, then we've got just the thing! Graphics and More's apron rises to the occasion, ready to beet the competition! The apron features two large pockets to hold your favorite kitchen or BBQ items. It also features an adjustable strap. One size fits all.

### About The Design:

Express yourself with SmileyWorld and embody the spirit of the digital revolution, Inspired by the growing phenomena of social and digital communication, SmileyWorld is bold, fun and expressive with collections that are youth oriented, full of ironic slogans, emoticons and our innovative world of self-expression. Smiley, names, characters and all related indicia are owned by The Smiley Company ©1971. All rights reserved. Officially

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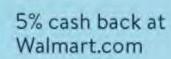


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Get specific details about this product from customers who own it.

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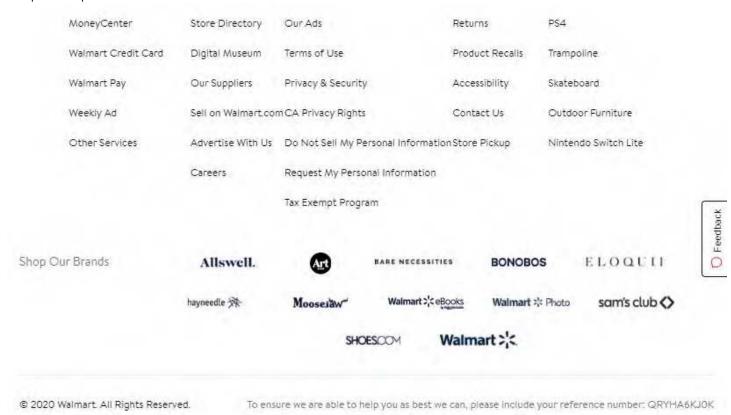
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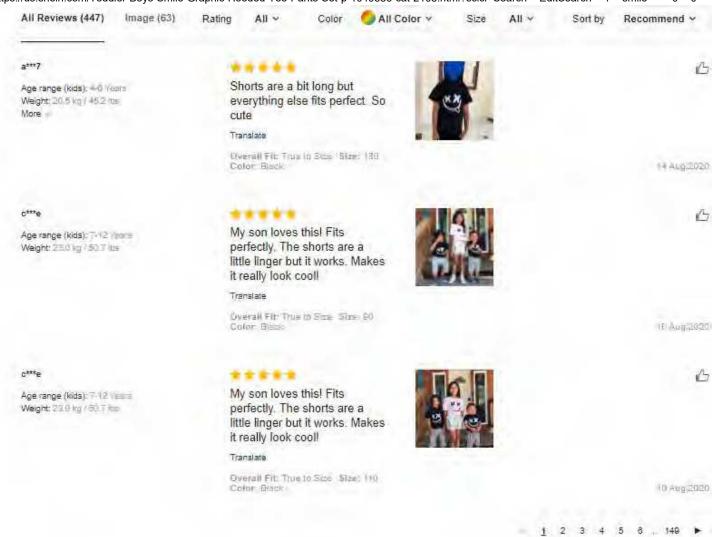
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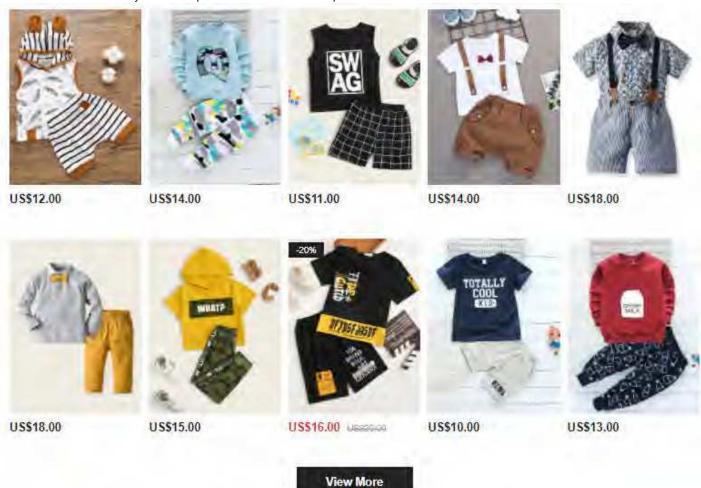
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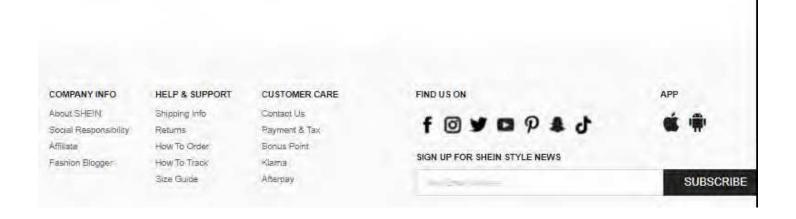
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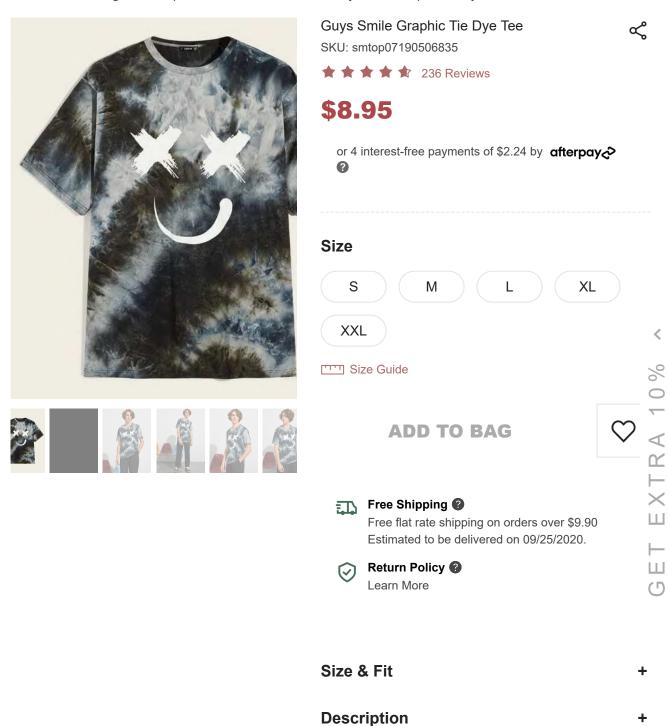
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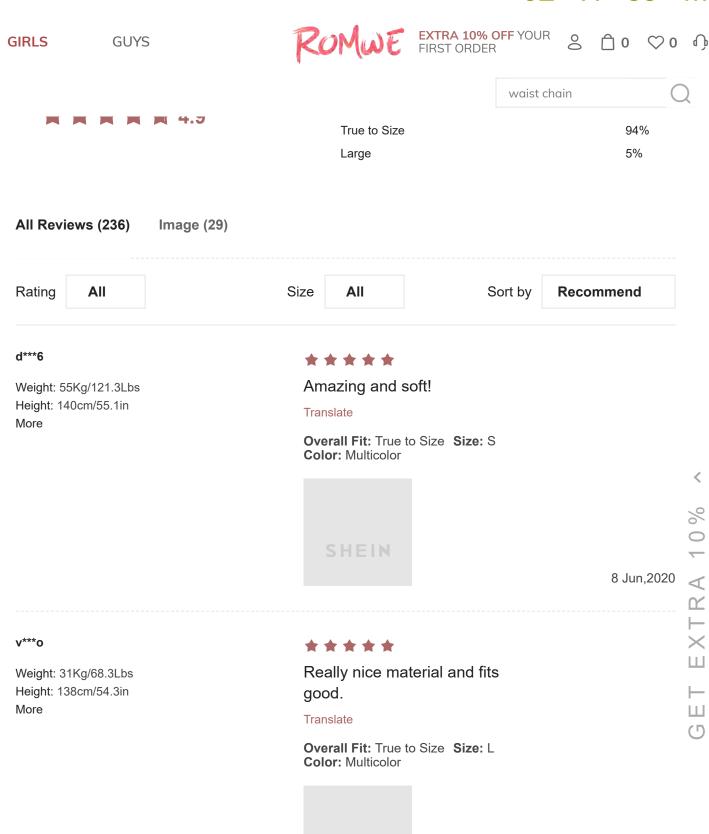
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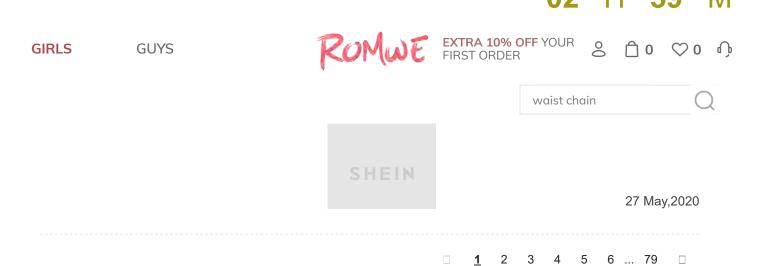
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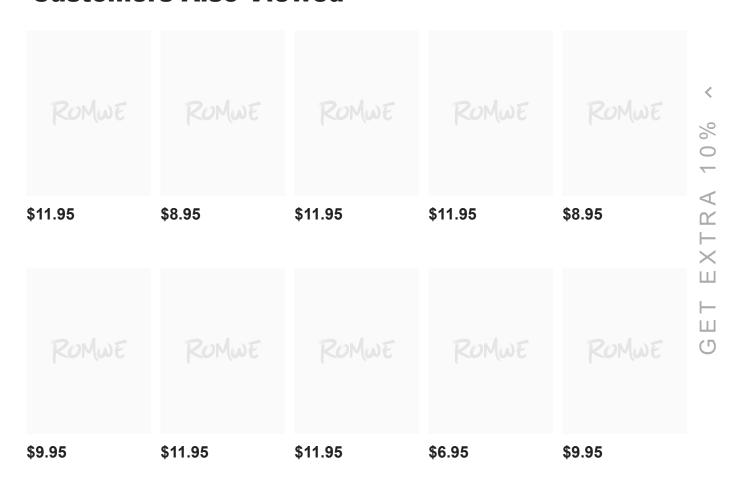




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HOME WORLD TOUR APPAREL ACCESSORIES MUSIC

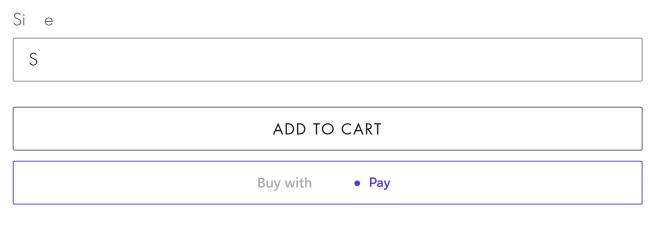






REVERSE SMILEY LOGO GREY HOODIE £50.00

Tax included.



More pa <u>ment options</u>

Heather gre oversi ed unisex hooded sweatshirt with the iconic Smile logo on the back.

This print is on the back of the garment, and is not a front print

### Size Guide:

S 36/38M 38/40L 42XL 44/462XL 48"

Please note the print for this item is on the back and not on the front.



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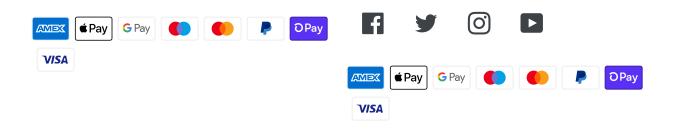


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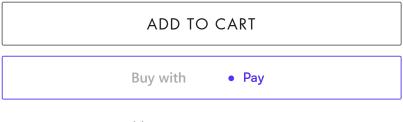






SMILEY LOGO SOCKS £10.00

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More pa <u>ment options</u>

Unisex white socks featuring the iconic smile logos.



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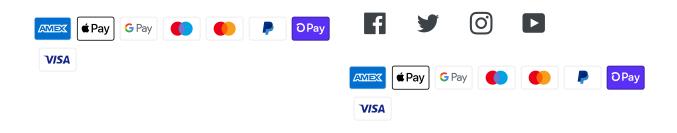


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Greece

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Ireland

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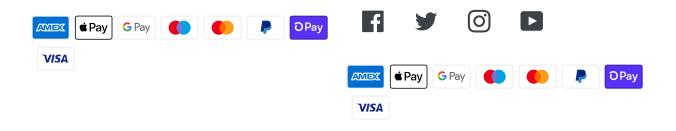
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Home & Living

x eyed Essential T-Shirt Designed by cassiexoxo

Stationery

\$19.90

Accessories

Size

S M 1 2XL 3XL Print

Location



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guide

# **Features**

- · Just your everyday smooth, comfy tee, a wardrobe staple
- · Slim fit, so size up if you prefer a looser fit, or check out the Classic tee
- Male model shown is 6'1" / 186 cm tall and wearing size Large
- · Female model shown is wearing size Medium for an oversized fit. She would wear Small for a closer fit
- Midweight 4.2 oz. / 145 gsm fabric, solid color t-shirts are 100% cotton, heather grey t-shirts are 90% cotton/10% polyester charcoal heather t-shirts are 52% cotton/48% polyester









Ø cassiexoxo Fowlerville, United States

View cassiexoxo's shop

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# **Other Products**

smile stickers, smile masks, smile phone cases, smile posters, smile sweatshirts & hoodies,

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## About product

#### Baseball Hats

Product ID: 765942352

Our Baseball Cap is perfect for your unique, casual style. Sporting your novelty or custom design, this will become your new favorite hat.

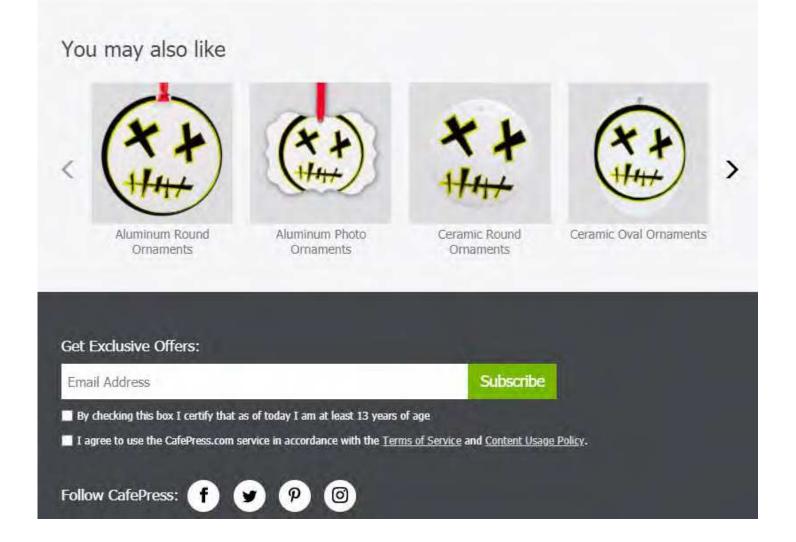
- Unstructured 100% cotton
- Hook/loop tape closure adjusts from 20" to 24" and a crown measuring 3.25"
- · Includes low sitting brim and an inside sweatband
- Features a sharp and vivid printed design
- Hand wash
- · Imported

Voodoo Smiley Cap Designed by <u>AwesomeSauce</u>

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## DAYDREAMER EDM DJ SMILEY HOODIE

#### \$99.95.USD \$49.95 USD



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Let the must promp through you and abow it in your fashlori stylet this Ethelinophiel bootle will get you in the mood to crank up the music and party with some sweepine but tracket

- ✓ Parrect cultrif for the cool weather ✓ Comfortable Fit
- ✓ Vibrant Design
  ✓ Made from Cotton



Size	Charet	Shoulder	Length	Moore	
8	108cm 42 52to	54 cm 21.25 in	Blanc	57cm	
			23.82in	22 44m	
M	114sm	56-cm	B2ons	E9cm	
	44.89in	22 65in	24 41m	23.23e⊓	
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#### FREQUENTLY BOUGHT TOGETHER



Tetal price: \$227.90.USD \$113.85 USD ADD SELECTED TO CART

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#### DESCRIPTION



Converse Smiley Logo T Shirt In Converse Black, A ribbed crew neckline and short sleeves. The signature Converse smiley logo is printed on the left of the chest in yellow. The large signature printed Converse smiley logo is featured on the reverse of the t shirt in yellow. The signature Converse logo pinch tag is situated on the left above the hem in black and white. Top stitching in black, 100%

Cotton, Part Of The Brand New Collection of Converse T Shirts Live Online.

Product ID: 135866

REVIEWS

Currently no reviews for this product.

DELIVERY

At Mainline Menswear, we take the business of getting your order delivered seriously. Alongside our primary international delivery partner DHL we work to despatch every order the same day, providing our security check results are satisfactory.



#### Please Note:

- \* Approximate time scales given due to courier service and customs. For a more accurate delivery date please contact customer services.
- \* For orders placed on or around UK Bank Holidays please allow an extra 24 hours for delivery.

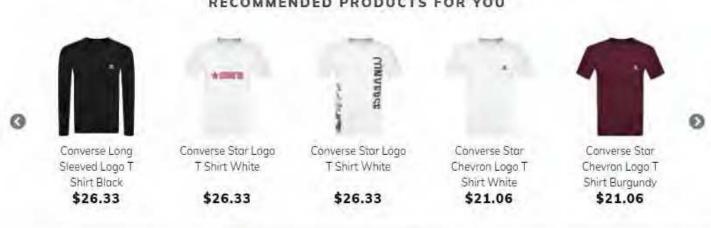
# RETURNS

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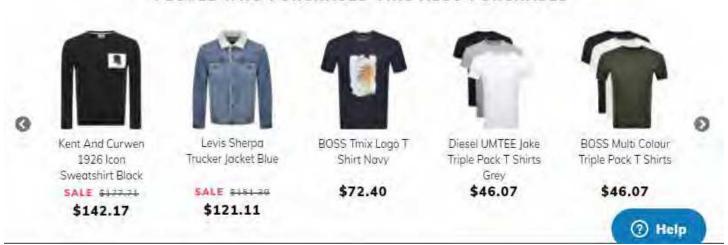
We advise all returns are shipped using the Rebound Returns link on the returns page as we cannot guarantee international returns. For health and hygiene reasons we are unable to accept returns of underwear or earrings.

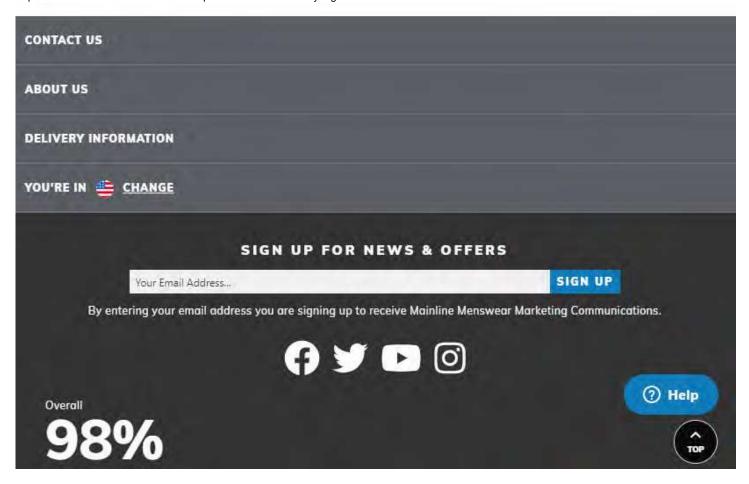
Please click here for the full returns policy

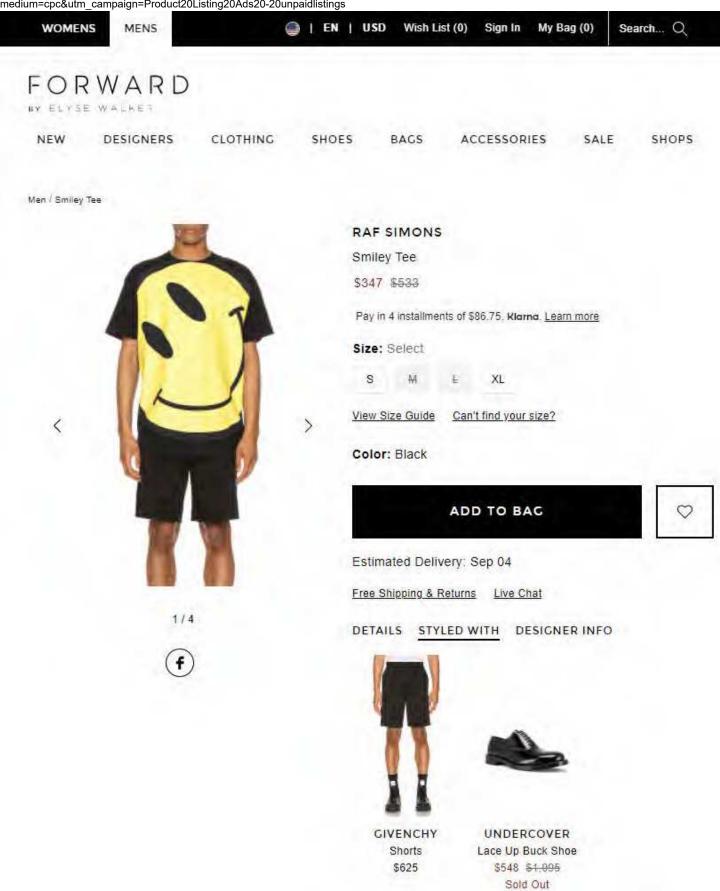




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Ship It In Stock

O Not Available For Store Pick Up

ADD TO BAG

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#### SHIPPING RESTRICTIONS

#### Details

Man in the Moon? Blame this astronaut! This lightweight black tee features a spacewalking astronaut spray painting a smiley face onto the Moon's surface.

Officially licensed art from R.Gegen Noviara.

- 100% combed ring spun cotton
- Wash cold; dry low
- Imported
- Listed in men's sizes

#### Size Guide

#### Shipping & Returns

#### **SHARE THIS ITEM**

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BAKUGO QUIRK GIRLS T-SHIRT \$26.90 - \$30.90



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#### **RECENTLY VIEWED**



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#### **REVIEWS**

\*\*\*\*

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FREE SHIPPING AND RETURNS. COVID-19 UPDATES - CLICK HERE JOIN/SIGN IN STORES COLE HAAN Above & Beyond O Men Women Sale Sale / Women's Sale SOLD OUT / Up to 75% Off Final Sale Cole Haan x Chinatown Market Generation ZERØGRAND \* \* \* \* 1 4.55 (424) read reviews <del>\$120.00</del> \$39.97 Color Yellow Stitchlite™-Yellow Width Medium FEEDBACK Medium US Size \*Full Fitting (See Details Section Below) 8.5 9,5 10.5



Add to bag

Find in store

#### Details

- If you have a low instep and prefer a snug fit, we suggest a half size down. If you have a medium or high instep, order your normal size.
- Collaboration in partnership with Smiley®.
- Ultra breathable Stitchlite knit upper.
- Luxe cushioning in the outsole, footbed, and sockliner.
- Springy arched outsole absorbs shock.
- Smart materials mimic the foot's natural flexibility.
- Style #W18500

More reasons to love it ↓

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# Why you'll love it

Founded by designer Michael Cherman, online streetwear brand Chinatown Market's signature Smiley Originals® design makes its way to Generation ZERØGRAND. With an innovative lacing system that locks laces into place, the shoe actually becomes an effortless slip-on style.

### Great for

Commuting



Kicking Back



City



Cole Haan x Chinatown Market Generation ZERØGRAND



### Lightweight Construction

Components and compounds are carefully considered to weigh less, so you can go further.



https://www.colehaan.com/cole-haan-x-chinatown-market-generation-zerogrand-yellow-stitchlite-yellow/W18500.html?utm\_content= &ranMID=45770&ranEAID=tv2R4u9rImY&ranSiteID=tv2R4u9rImY-U..ms2FSgTj33gYrPYEb8Q&utm\_campaign=3157217&utm\_source= rakuten&utm\_medium=affiliate





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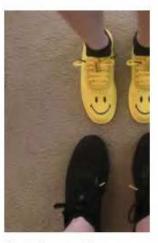
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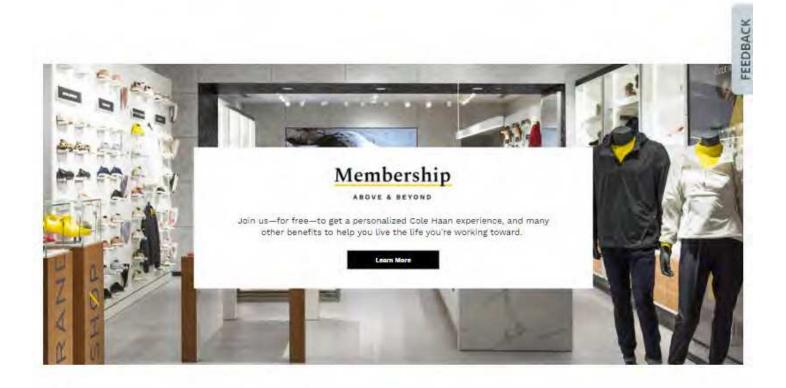
## Our picks for you



Generation ZERØGRAND \$120.00

Generation ZERØGRAND \$120.00 EXTENDED SIZES AVAILABLE

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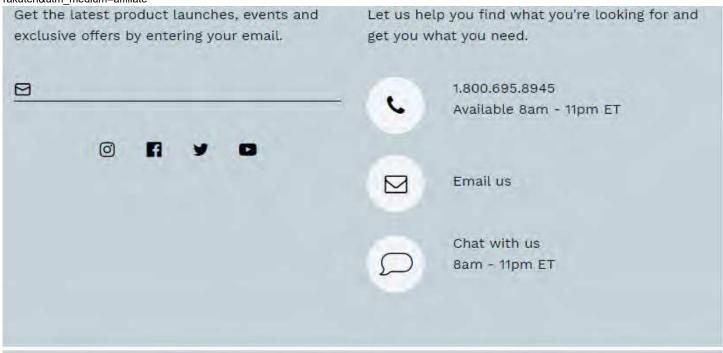
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Q (/search) ORCHARD M I L E

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Ganni (/ganni) Basic Cotton Jersey T-Shirt, Smiley

\$105

M CHERRY BLOSSOM

#### **ADD TO BAG**

DETAILS —

Vintage-inspired tee in cotton jersey, featuring GANNI writing and graphic. Style tucked into straight-leg jeans with folded up sleeves and kitten heels for an effortless look.

- · Relaxed, boxy silhouette and sleeves
- Boxy silhouette and sleeves
- Soft, slightly stiff 100% cotton jersey fabric
- Made in Portugal

ℚ

• The model is 179 cm/5'10" and wears a size S

#### 100% CERTIFIED ORGANIC COTTON

This piece is made of 100% certified organic cotton. Organic cotton has proven a lower environmental impact than conventional cotton, as it reduces water usage, greenhouse gas emissions, and the amount of chemicals used.

ORCHARD

MILE

(/#top)

#### Care Guide

- 100% Organic Cotton
- Machine Wash old
- Do Not Bleach(/search)Do Not Tumble Dry
- Iron, Low
- Do Not Dryclean
- Maximum Shrinkage 5%
- Wash and iron inside out
- Wash with similar colours

Product code: T2605

SIZE & FIT

**SHIPPING & RETURNS** 

Need Help? Contact Us (/contact)

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Iro Wake T-Shirt

\$145

(/iro/wake-t-shirt-io83dc369f)



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Yumi Kim Billie Jean Top

\$108 \$68

(/yumi-kim/billie-jean-top-yk4eb9235a)



ATM Anthony Thomas Melillo Slub Jersey Schoolboy Crew Neck Tee - Midnight

\$85

(/atm/slub-jersey-schoolboy-crew-neck-teemidnight-atb10a3519)

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Size:

Size Chart

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Quantity:





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### **ADD TO BAG**

A black hoodie with a drawstring hood, front kangaroo pocket, soft-brushed fleece lining, and a drippy smiley embroidery on the front.

- 28" length (size medium)
- 100% cotton
- Machine wash
- Imported
- Model is wearing size medium







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Supreme Flex Black Distressed Moto Skinny Jeans \$46.99



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Supreme Flex Black Blown Knee Skinny Jeans \$33,99 **\$30.59** 

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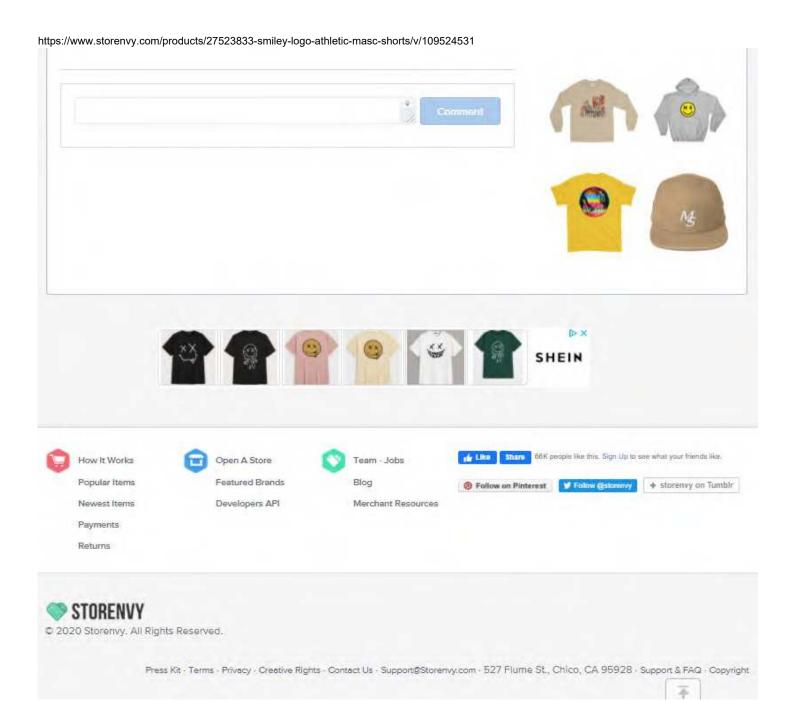


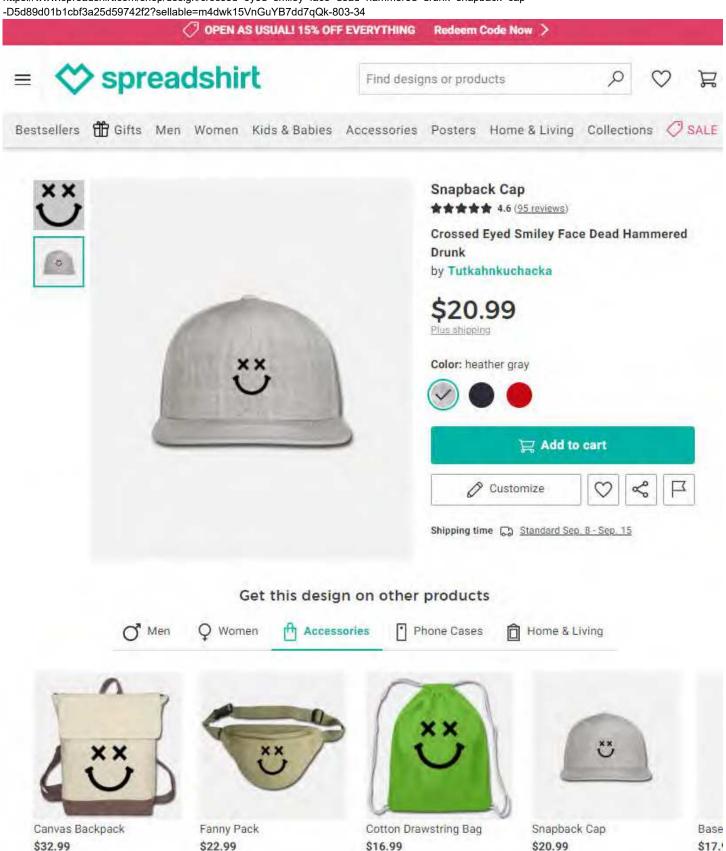
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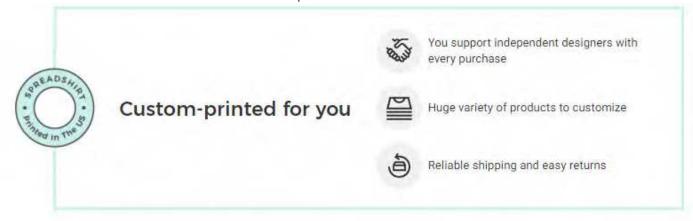
M L XL 2XL 3XL

XS S

Waist (inches) 29 % 31 ½ 33 % 36 ¼ 39 % 42 ½ 45 % Hips (inches) 37 38 % 40 ½ 43 ¼ 46 ½ 49 % 52 %







# Product details Snapback Cap This snap-back cap comes with instant street cred. A must-have for anyone seeking that urban style, the snapback comes with a flat but flexible brim. Throw this on as a complement to whatever look you're going for. 80% acrylic/20% wool Adjustable snap-back closure for a variety of sizes, 23"-26" · Flat but flexible brim, Underside is green. · Imported; processed and printed in the U.S.A. Size table Customer reviews \*\*\*\* (95 reviews) Design details More Caps & Hats

Cross Eyed

Dead Smiley Face

Dead

Нарру

Cross

Drunk

Death

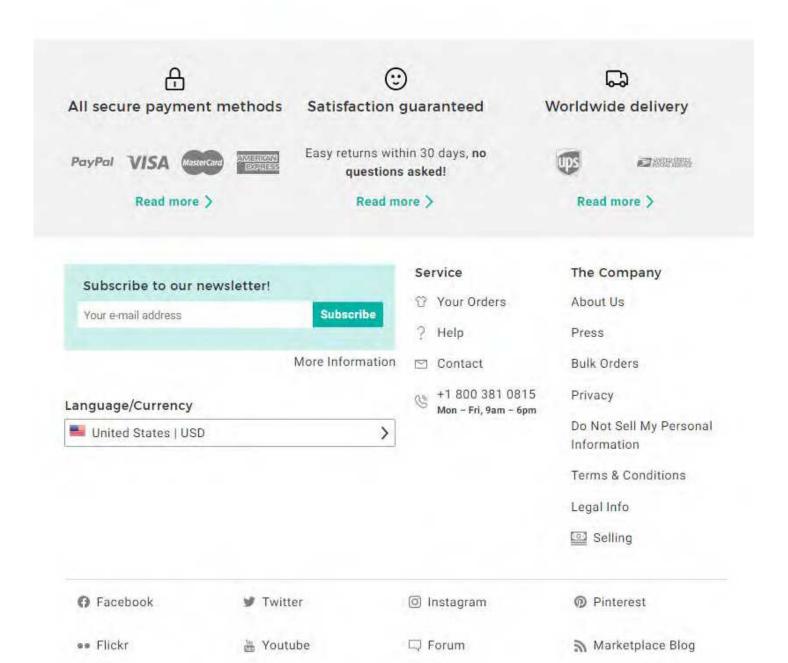
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Color: Dark Grey

Size\*

XS S M

Size Guide

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Tie Dye Buti Happy Tee



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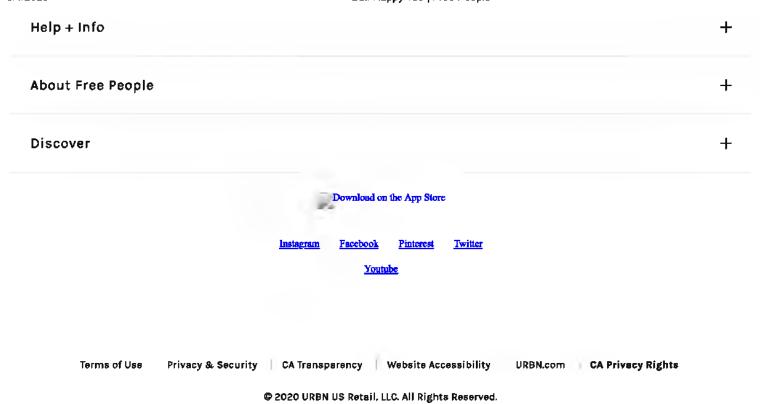
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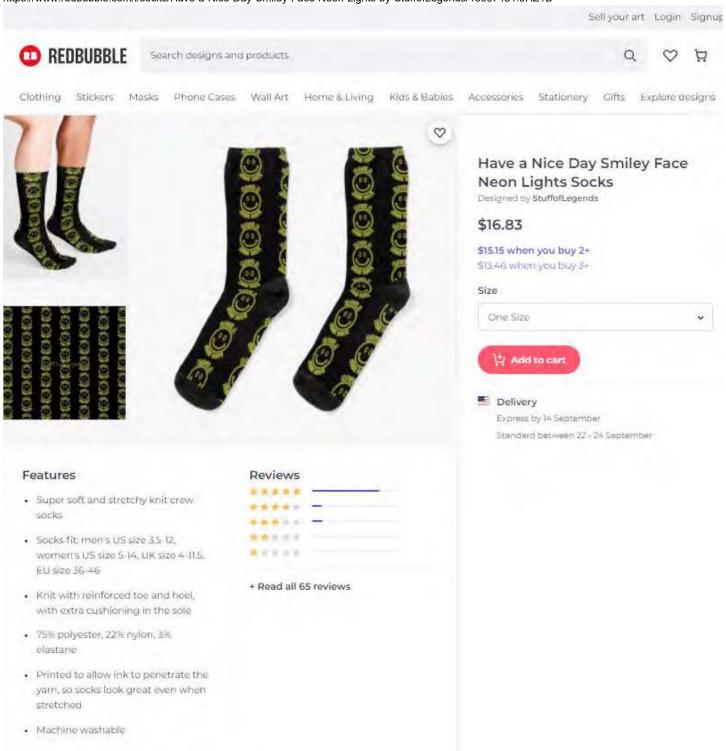
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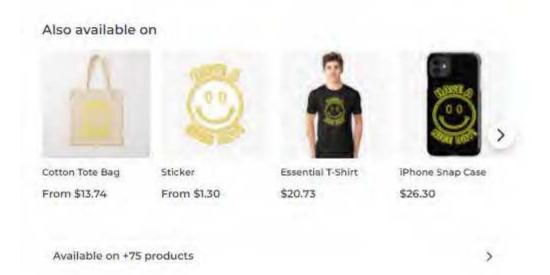
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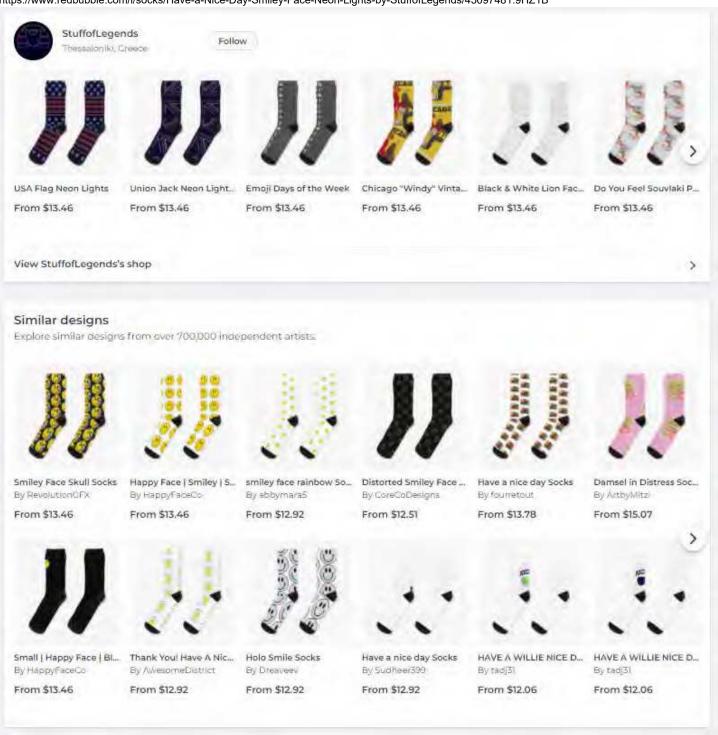


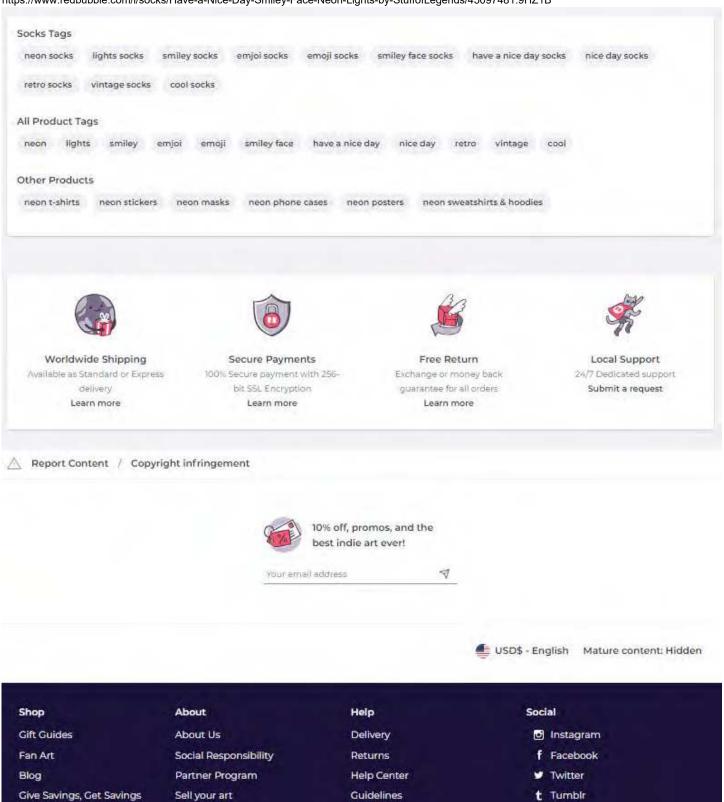




A remake of the classic 'Have a nice day' smiley face in a cool retro neon light style,







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Men's Tops Graphic Tees









# Chinatown Market X Smiley **UO Exclusive Quarters Tee** \$40.00

Or 4 interest-free installments of \$10.00 by

afterpay (1)

See all Chinatown Market

UO Exclusive

★★★★ 4.0 | 1 Reviews

Color: Black



Size\*



Size Guide

Qty\*



Shop the Look



BDG Reed Solid Black Skinny Jean



Birkenstock Arizona EVA Sandal



Chinatown 1 Smiley Texti Ring

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Store Availability

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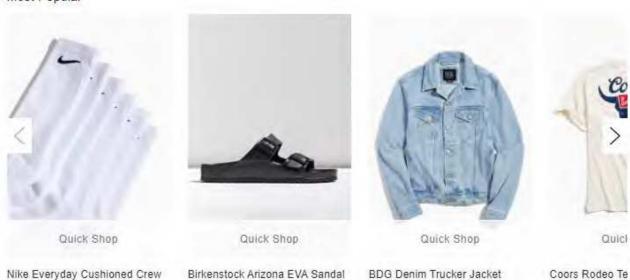
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Chinatown Market X Smiley UO



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Tee

Chinatown Market UO Exclusive Solar Tee

Exclusive Ray Of Sunshine Tee

Chinatown Market UO Exclusive Trademark Tee

Reviews

Write a Review

4.0 stars 1 Reviews

100% Recommended



Customers Say: Runs Large



\*\*\*\*

Aug 16, 2020

nice but not for me

It's a really nice shirt and fits a little oversized, it looked boxy on me but is still really nice.

Fit: Runs Large

Size Purchased: large

Size Normally Worn: medium

Yes, I recommend this product.

Britany

Location: Toronto Age: 18-24 Height: 5' 5"

#### Write a Review



Some reviews may have been submitted to earn incentives. Learn More

### If You Like This, You Might Be Into These



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Urban Renewal Vintage Graphic Racing



Quick Shop



Quick

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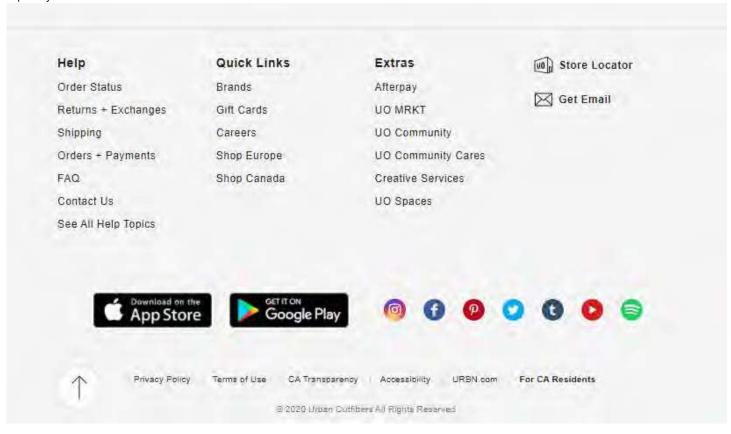
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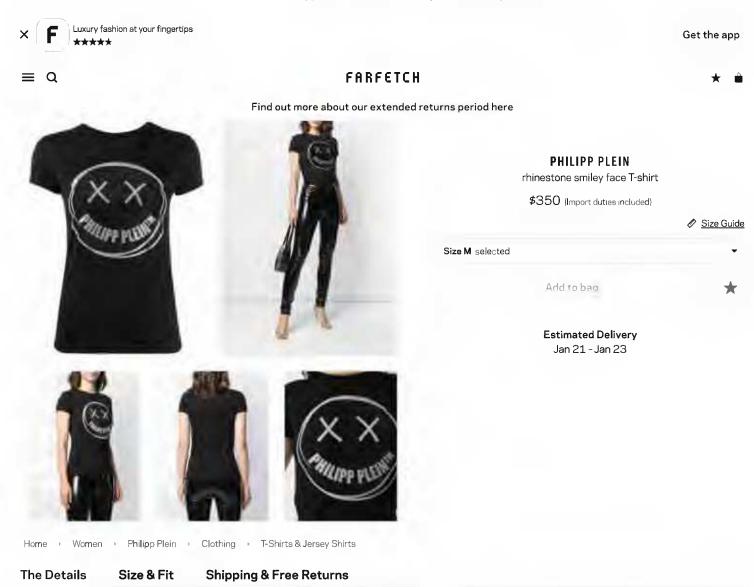
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#### **PHILIPP PLEIN**

rhinestone smiley face T-shirt

Characterized by the spirit of Rock'n'roll, Philipp Plein makes clothing for those that strive to be above standard. Spun from soft black cotton, this rhinestone smiley face T-shirt features a round neck, short sleeves and a straight hem.

Imported

#### Composition

Cotton 100%

#### Washing instructions

Hand Wash

Designer Style ID: A19CWTK1746PTE003N

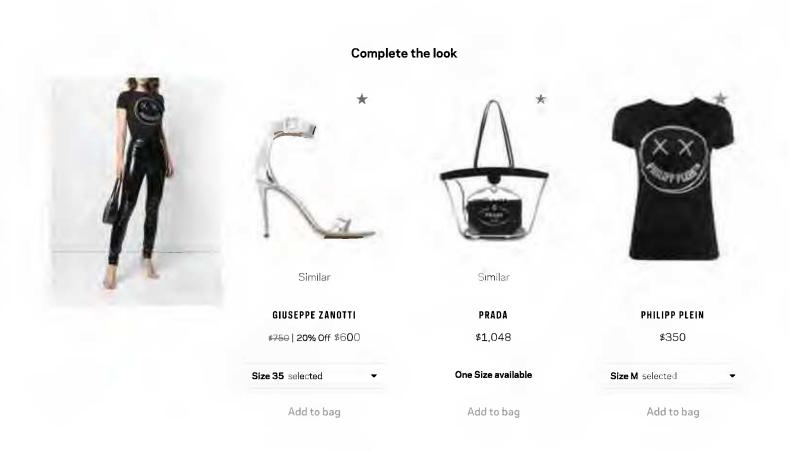
#### Wearing

Model is 5 ft 10 in wearing size S

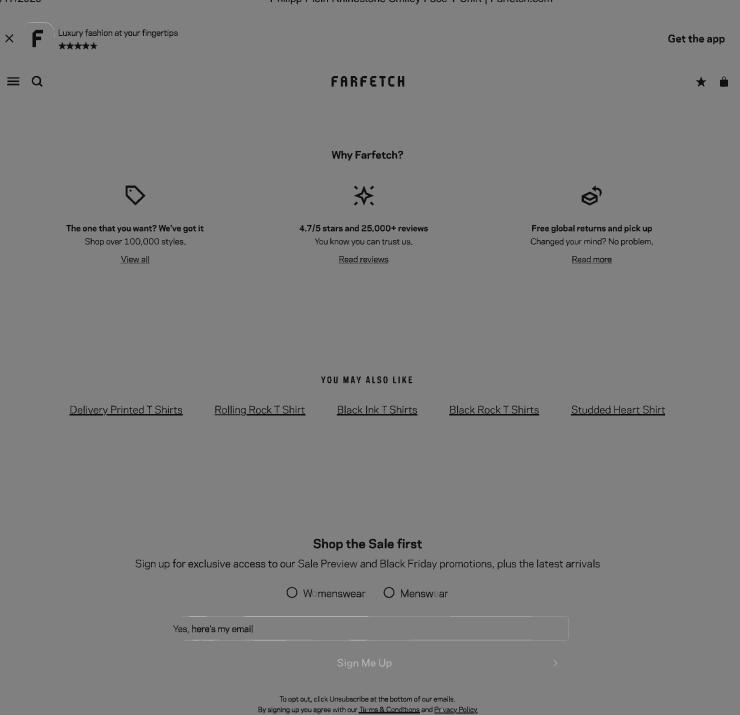
The model is also styled with: Gianvito Rossi 105 G String Sandals, Manu Atelier Lou round zebra print bag.



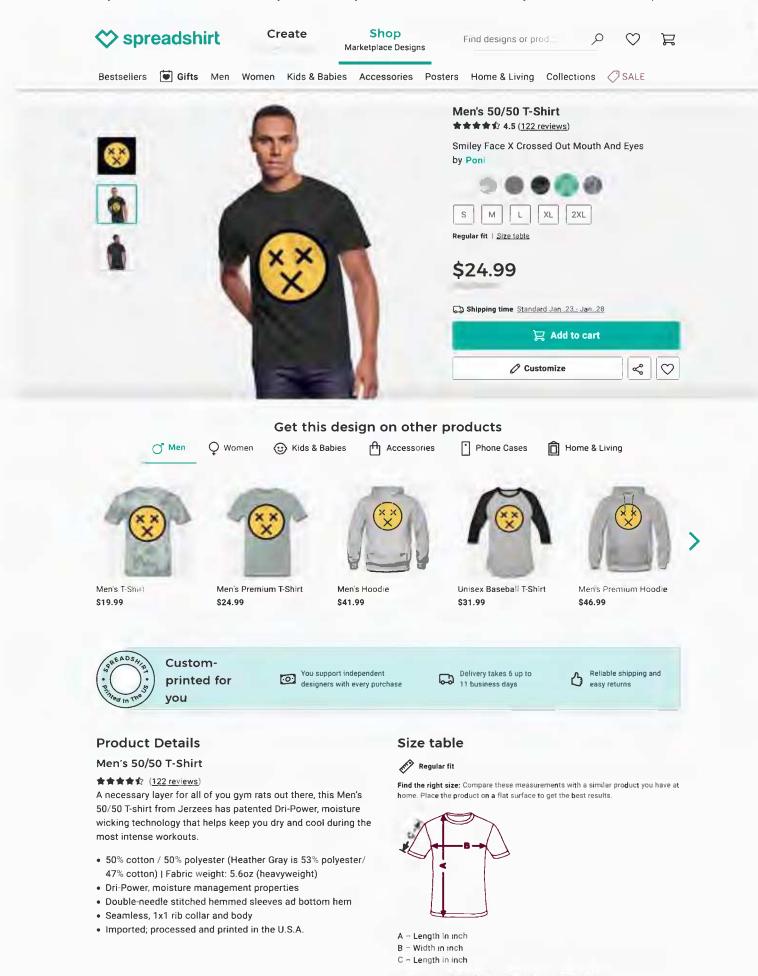
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Size	A (INCN)	R (IUCU)	C (Inch
S	27.24	17.01	7.24
М	27.99	20.0	7.24
L	29.49	21.5	7.99
XL	30.0	23.46	8.46
2XL	31.97	25.47	8.46

#### About this design



# Smiley Face X Crossed Out Mouth And Eyes

This Funny Smiley Face
Artwork Makes A Cute
Simple Smiling Face Gift
Idea For Anyone That
Loves Smileys
Tags: smiley lover, cute
face, smileys, smiley face
gift idea, smiley gift, smiley
gift idea, funny smiley,
smile, face, funny smiley
face, smiling face, happy
face, love smileys, faces,
smiling happy face, cute
smiley, happy gift

Copyright or Safe Search Problems? Report design

# Designers

Poni

Country: Germany

### More designs from Poni



I'm A Very Rice Person C...



You Can't Scare Me I Ha...



Stool Sample Funny Poo...



G Dot Period Simple Lett...



Poodle Mom Gift Idea W...

All designs from Poni

#### Customers also liked



Men's 50/50 T-Shirt lean cup \$24.57

#### More T-Shirts

Text Message

Happy Face

# Customer reviews

Out

Crossed



Smile

Face

X Eves

★★★☆ January 13, 2020

Shirt appears to be nice. I'll know better once I have washed it and see if there is any shrinkage.

★★★☆ January 6, 2020 My son loved all the shirts

★★★★ January 4, 2020

The shirt was a Christmas Eve present for my son in law. I paid for it to be shipped next day. We found it on the back porch the 27th of December. There was no email or note saying it was left there. Although late, he loves the shirt.

青青青青 December 2 1 2019

My husband loves it. True to size. I ordered large.

Smiley Lover

Cute Face

★★☆☆ December 28, 2019

The shirt is not the size indicates on the size chart.

★★★☆ December 28, 2019

i got this shirt for my husband who is very picky about his shirts and he was very happy  $^{\rm I}$ 

★★★☆ December 22, 2019

Sizes run small.

**★★★☆** December 19, 2019

The shirt it's self is pretty good, the fabric is nice, the fit is a little off, not sure if I ordered the size or maybe the size is different for different products like in the clothing stores. Overall the product is fine.

.

**★**ជំជំជំ December 14 2010

It's not even arrived. . Taken far too long to arrive. Its a xmas pressy so not happy if it doesn't come in time.. Been ages

**食食食**食 (el em) (1012)

Show more

#### Recently viewed



X eyed Crown \$17.49

Clear history

Remember history







್ಘಾ Worldwide delivery

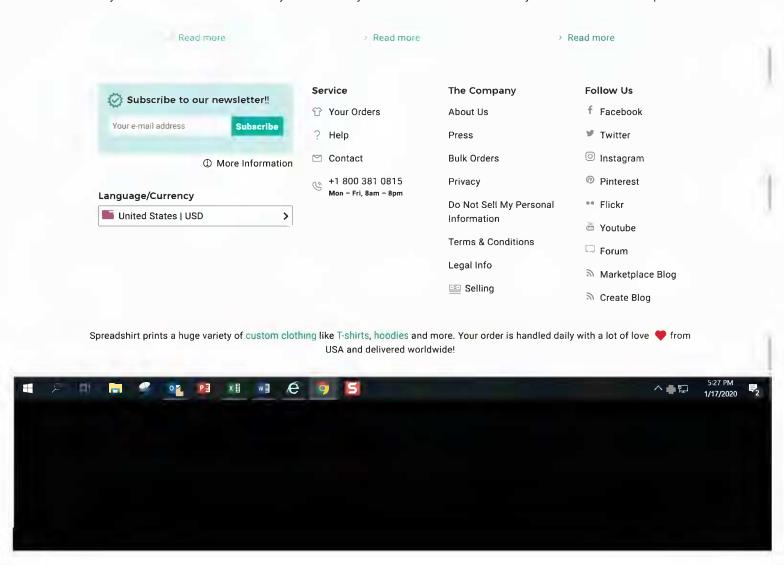


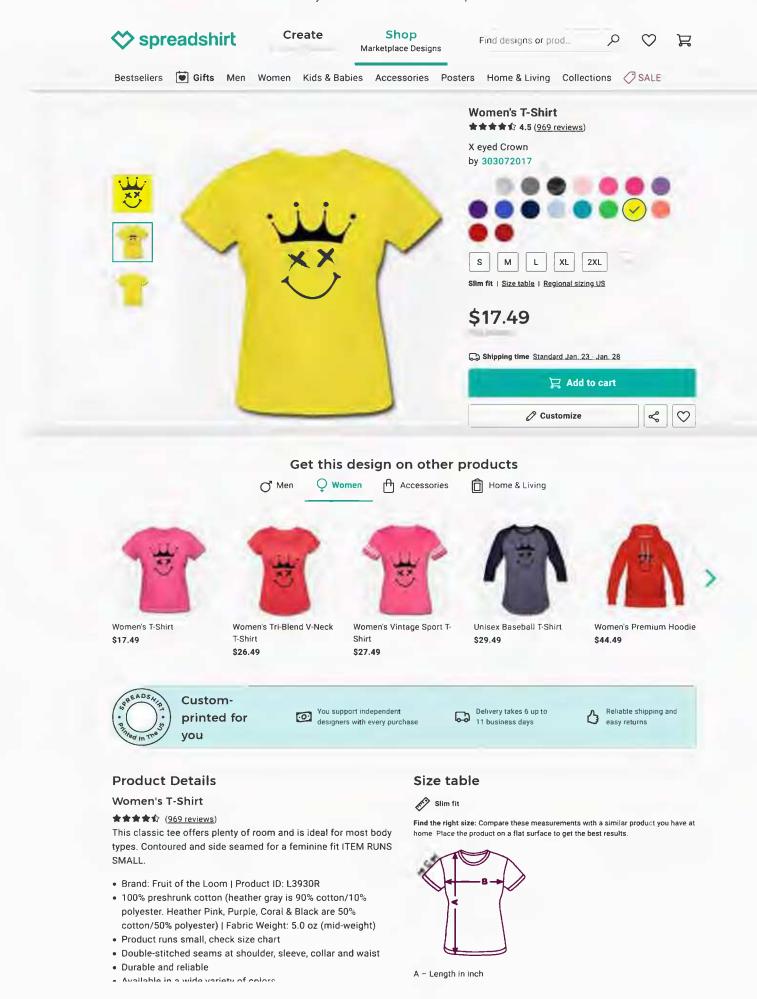




Easy returns within 30 days, no questions asked!







- Available III a wide vallety of colors
- Imported; processed and printed in the U.S.A.
- B Width in inch
- C Length in inch

Size	A (inch)	B (inch)	C (inch)
S	24.21	17.48	5.98
М	25.47	18.46	6.5
L	26.5	19.49	6.97
XL	27.99	20.98	7.24
2XL	28.98	23.46	7.48
3XL	30.0	25.47	7.72

Regional sizing US

# About this design



#### X eyed Crown

Black X eyes with a Crown Tags: Black eyes, art, Crown, black jack, artist, X eyes, x eyes croun, black, cross eyes, clip art

Copyright or Safe Search Problems? Report design



Country: United States

# More designs from 303072017







Skull and crossbones



X eyed Crown



Galaxy Wolf



Wolf line

All designs from 303072017

# Similar designs



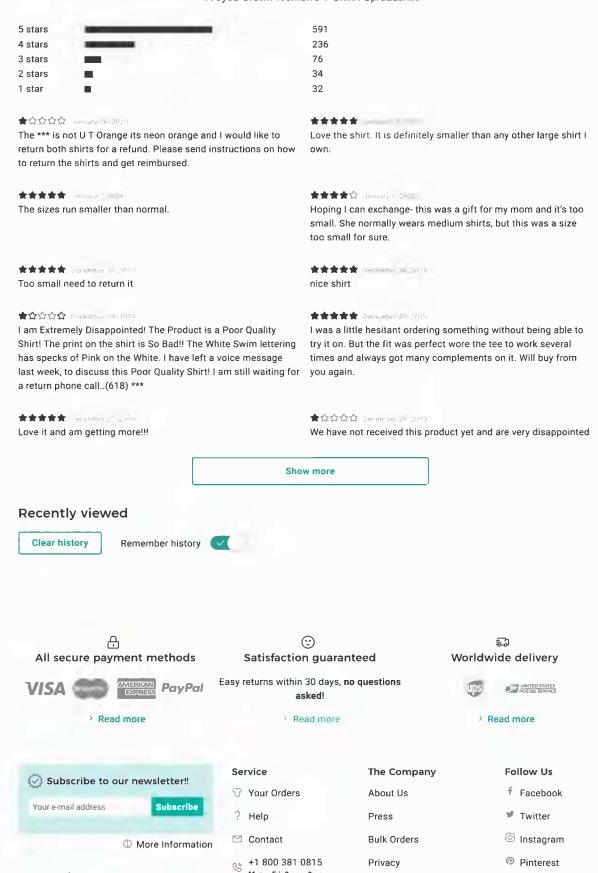
435 4352876 clip art bla...

#### **More T-Shirts**

X X Eyes Art Crown Blackjack Artist Black Clip Art Black Eyes X Eyes Croun

#### **Customer reviews**

**★★★☆** (969 reviews)



Mon - Fri, 8am - 8pm

>

Language/Currency

United States | USD

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Shop / Smiley Crew Sock

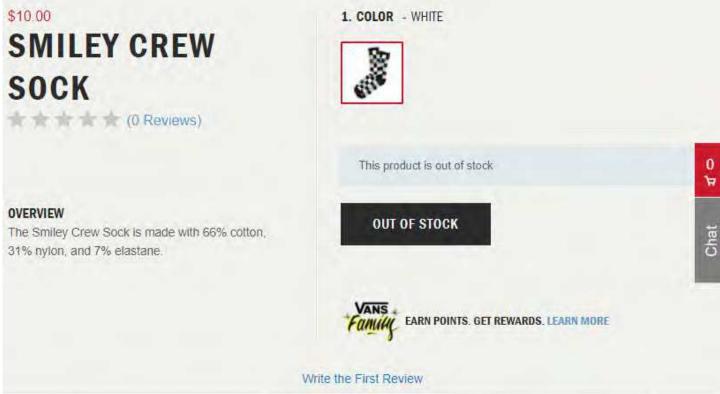


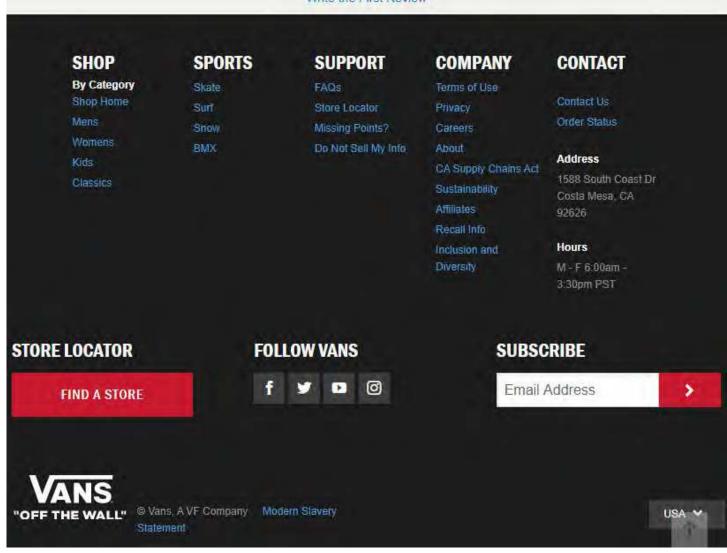




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South Korea

END.

HELP LOG IN

**BRANDS** CLOTHING **FOOTWEAR ACCESSORIES LIFESTYLE GIFTS** SALE **LAUNCHES** FEA

Home > Brands > Palm Angels > Palm Angels Smiley Logo Tee



### PALM ANGELS SMILEY LOGO TEE

**BLACK & YELLOW** 

₩264,599 **₩174,999** 

**SOLD OUT** 

**DESCRIPTION** 

SIZING

SHIPPING

RETURNS

A brand with its finger on the beating pulse of street-worthy style, <b>Palm Angels</b> present this Smiley logo tee this season. Cut from a soft cotton jersey, this short sleeved piece is decorated to the chest with a bright and eye-catching print – sure to make a statement with every wear.	
4000/ 0 - 11 - 1	
■ 100% Cotton	
Ribbed Collar	
SIGN UP TO OUR MAILING LIST	
Enter your email address	
ABOUT	
Careers	
Affiliates	
Our Apps	
Press	
Stores	
CONTACT US	
+44 (0)333 323 7728	
info@endclothing.com	
CUSTOMER SERVICE	
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Returns

Payments

Your Order

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	Our Apps	y	0	f

SHIPPING TO: South Korea

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#### FREE SHIPPING ON ORDERS OVER \$200 I IMPORT DUTIES PAID I 2-3 DAY FEDEX DELIVERY

United States

END.

HELP LOG IN

Q o

T BRANDS CLOTHING FOOTWEAR ACCESSORIES LIFESTYLE GIFTS SALE LAUNCHES FEA

Home > Brands > Palm Angels > Palm Angels Smiling Tee



PALM ANGELS SMILING TEE

WHITE & YELLOW

<del>\$185</del> **\$99** 

IMPORT DUTIES PAID

### SOLD OUT

Discount Hex			
After a visit to Venice beach, Palm their attitudes and their choices o graphic prints, kitting out a superb	f clothing. The Smiling	g tee typifies the brand's appro	oach to playful high quality
■ 95% Cotton & 5% Elastane			
Graphic Chest Print			
	SIGN U	IP TO OUR MAILING LIST	
Enter your email address			
		ABOUT	
Careers			
Affiliates			
Our Apps			
Press			
Stores			
		CONTACT US	
+44 (0)333 323 7728			
info@endclothing.com			
	C	USTOMER SERVICE	
Help			
Shipping			
Returns			
Payments			
Your Order			

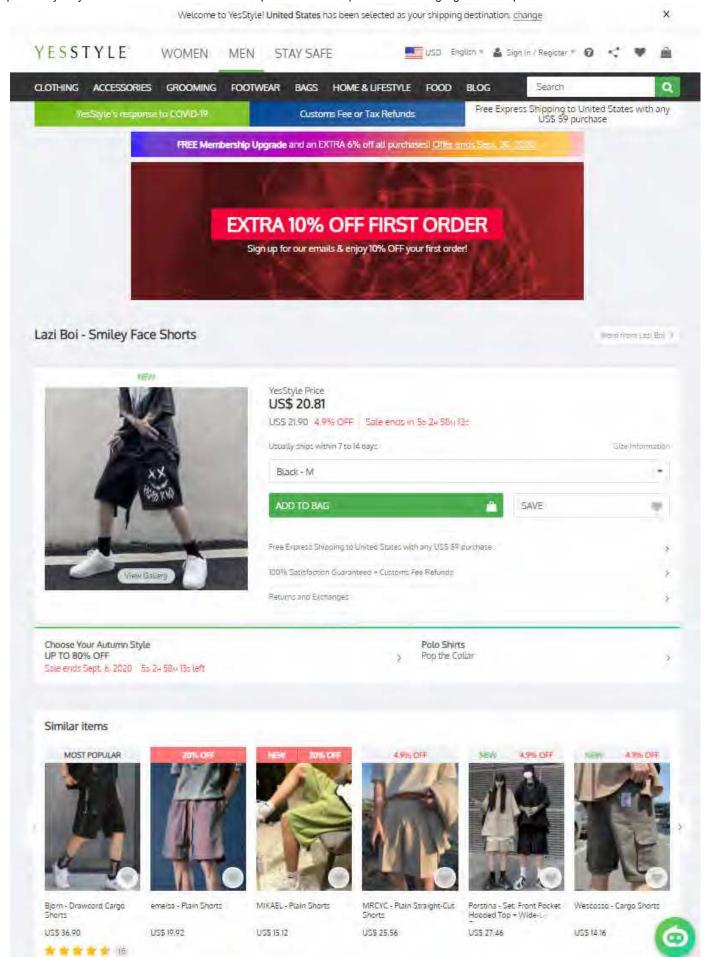


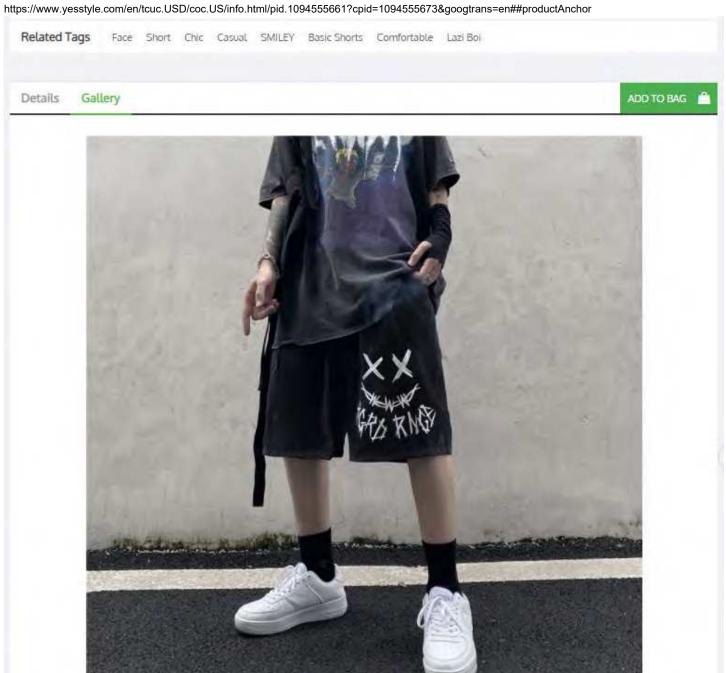
1



SHIPPING TO: United States

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Page 4 of 9



Page 5 of 9 Lazi Boi Smiley Face Shorts | YesStyle





Page 7 of 9



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				18

# EXHIBIT B

### John Philip Silva

```
1
                UNITED STATES DISTRICT COURT
                CENTRAL DISTRICT OF CALIFORNIA
 2
3
4
                            : CASE NO. 2:18-CV-
    NIRVANA, L.L.C.,
                  Plaintiff, : 10743-JAK-SK
 5
            VS.
    MARC JACOBS INTERNATIONAL
    L.L.C., et al.,
                 Defendants.
 8
    MARC JACOBS INTERNATIONAL
    L.L.C., et al.,
10
                  Counterclaim :
                 Plaintiffs, :
11
            VS.
12 NIRVANA, L.L.C.,
                 Counterclaim :
13
                 Defendant. :
14
15
           REMOTE VIDEOTAPED 30(b)(6) DEPOSITION OF
16
                       JOHN PHILIP SILVA
17
                   Tuesday, August 18, 2020
18
19
20
2.1
22
                   GOLKOW LITIGATION SERVICES
23
              877.370.3377 ph | 971.591.5672 Fax
                      deps@golkow.com
24
25
```

## John Philip Silva

1	Remote videotaped stenographic 30(b)(6)
2	deposition of JOHN PHILIP SILVA, conducted at the
3	location of the witness in Los Angeles, California,
4	commencing at approximately 8:10 a.m., on the above
5	date, before Rosemary Locklear, a Registered
6	Professional Reporter, Certified Realtime Reporter and
7	California CSR (#13969).
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- 1 1991?
- 2 A. Nirvana.
- 3 Q. Which Nirvana?
- 4 A. I believe that would be Nirvana, Inc.
- 5 Q. And would there be records showing that?
- 6 A. Of the usage?
- 7 Q. Correct. Yes.
- 8 A. We've shown the usage in '91.
- 9 Q. What do you mean by that?
- 10 A. Shown Nirvana's use of the mark in 1991. Shown
- 11 a T-shirt, shown a flyer, shown an invitation to a party
- 12 in 1991 of the mark.
- 13 Q. Okay. So the goods and services listed here is
- 14 shirts, T-shirts, tank tops, jumpsuits, sweatshirts,
- 15 pants, lounge pants, socks, shorts, sweat shorts,
- 16 hoodies, jackets, beanies, hats, baseball caps, bucket
- 17 hats, bow ties, belts, belts made of leather, scarves,
- 18 slippers.
- 19 Do you see that?
- 20 A. I do.
- 21 Q. Was Nirvana, Inc., using the mark in this
- 22 application with all of the items that I just recited in
- 23 1991?
- 24 A. No.
- 25 Q. And is Nirvana, L.L.C., using the mark in this